THE

AJMERE REGULATIONS

ALSO

NOTIFICATIONS

REFERRING TO THE

AJMERE-MERWARA DIVISION

TOGETHER WITH

RULES, CIRCULARS, AND ORDERS REVISED AND CONSOLIDATED.

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NOTIFICATION.

[a] No. 886, *dated Abu, 23rd November*, 1881

Under Section 3 of Act XIV of 1879, (The Hackney-Carriage Act), the Chief Commissioner of Ajmere-Merwara is pleased to extend the said Act to the Municipality of Ajmere.

NOTIFICATION No 930-374 [b]

Abu, the 27th August, 1889.

No 930-374 —The following rules framed by the Municipal Committee of Ajmere under section 3 of Act XIV of 1879, (The Hackney-Carriage Act), for the regulation and control of hackney carriages within the limits of Ajmere Municipality have been approved and confirmed by the Chief Commissioner, and are now published for general information in supersession of those published in Notifications Nos. 888 and 540, dated respectively the 23rd November 1881, and 3rd July 1884

These rules shall come into force on the expiration of one calendar month from the date of this Notification

Licenses issued under the rules hereby superseded shall be deemed to have been issued under these rules

1 No hackney carriage of any kind drawn by horses shall be let to hire, or taken to ply or offered for hire, except under a license granted in that behalf as provided in these rules — All hackney carriages to be licensed

2 Such license shall be issued from the Municipal Office after the hackney carriage and horses have been examined and approved by one or more members of the Municipal Committee, the Secretary to the Municipal Committee, and the District Superintendent of Police who shall jointly determine the class to which the carriage shall belong — Place of issue of license

3 There shall be four classes of licensed hackney carriages according to the quality of the horses and vehicles and licenses shall be granted in — Conditions of license

[a] See the *Gazette of India* for 1881 Pt II p 760
[b] *Gazette of India* Pt II for 1889, p 475

respect of them subject to the provisions contained in these rules and to the following conditions, *viz* —

(1)—That the hackney carriage is in good order and repair in all its parts

(2)—That in the case of the first three classes it is provided with two serviceable lamps and in the case of a hackney carriage of the 4th class with one

(3)—That the harness is complete and serviceable

Period of license

4 Licenses issued under these rules shall continue in force during the official year for which they are granted

Renewal of license

5 Applications for the renewal of licenses shall be made one month before the expiry of the year of license and the renewed license shall be granted in the same way and by the same officers as provided in Rules 2 and 3 and on payment of the same fee as for the original license

Transfer of license

6 When a licensed hackney carriage is transferred to a new proprietor during the year of license, the name of such proprietor shall be duly reported both by the transferor and transferee to the Municipal Office, and shall be substituted in the license for the name of the transferor without further payment Except in the case of a drivers license revoked under rule 13, when the driver of a licensed hackney carriage is changed during the year of license the name of the new driver shall, subject to the provisions of Rule 9, be substituted in the license without further payment

Numbering of license and hackney carriages

7 Each license shall bear a serial number, and this number and the class in which it is licensed, as well as the maximum number of passengers which it is authorized to carry shall be printed by the proprietor in English, Hindi and Urdu in a conspicuous place on the licensed hackney carriage

Production of license

8 All hackney carriage licenses shall be produced for inspection when required by any Magistrate or Police Officer, or Secretary to the Municipal Committee

Drivers license

9 No person shall be allowed to act as driver of a licensed hackney carriage except under a drivers license, granted to him in that behalf on his being passed by the officers mentioned in Rule 2

Drivers badge

10 Every driver so licensed shall wear while driving a licensed hackney carriage, or plying for hire, a brass badge on his arm bearing the number of his license

Form of licenses for hackney carriages and drivers

11 Licenses for hackney carriages and drivers shall be in the form attached to these rules The fee for each hackney carriage license shall be two thirds and for a drivers license and badge one third of a days fare fixed for the class determined for the hackney carriage

12 A license issued under these rules shall be liable to revocation by order of the Chairman of the Municipal Committee on proof before him that the proprietor or his agent has been guilty of an infringement of any of these rules or has been convicted of any offence under these rules or that the conditions on which the license was granted are not fully maintained

Forfeiture of license

13 Any driver who cruelly beats, ill treats, over drives or otherwise misuses any horse driven in a licensed hackney carriage, or has been found guilty of an infringement of any of these rules or of furious or dangerous driving, or has been convicted of any offence under these rules, shall be liable to forfeiture of his license to drive

Forfeiture of driver's license

14 It shall be lawful for any person named in Rule 2, or any person appointed by the Committee for this purpose to enter premises, on which licensed hackney carriages, animals harness and other things used therewith are kept, in order to carry out any of the provisions of these rules

Inspection of premises

15 The Municipality shall from time to time, appoint places as stands for licensed hackney carriages, and no hackney carriage shall wait for hire except at such stands The regulation of the order in which hackney carriages shall rank on the stands shall be under the control of the Police

Stands for licensed hackney carriages

16 The driver or proprietor of a licensed hackney carriage waiting on a public stand, or publicly plying for hire, shall at any time of a day or night be bound to give such carriage on hire to any person demanding the same, unless for good or sufficient reason, the burden of proving which shall lie on the driver or proprietor so refusing but shall be entitled to claim his discharge after a continuous hire of a day of nine hours

Power of driver or proprietor to refuse a licensed hackney carriage

17 The maximum number of persons which may be carried by each description of hackney carriage is as follows —

Number of persons to be carried by each licensed hackney carriage

No.	Description of hackney carriage	Number of persons
I	Buggy .	Two persons excluding the driver
II	Dog-cart	Four persons including syce and driver
III	Wagonette, Phaeton or palki gari	
	(a) With one horse	Five persons including syce and driver
	(b) With two horses	Seven persons including syce and driver
IV	Ekka .	Four adult persons including driver

Two children under 10 years of age shall be reckoned as one adult person

Hackney-carriages]

List of fares to be affixed to licensed hackney carriages.

18 Every licensed hackney carriage shall have affixed to it a list of the fares prescribed in the following rule Such list shall be printed in English, Urdu and Hindi, and a copy of it shall be supplied yearly at the time of licensing by the Municipal Office, but the renewal of a list which has become destroyed or defaced shall rest with the proprietor who shall renew it at once

Fares

19. In the absence of any private agreement between the proprietor, agent or driver of a licensed hackney carriage and the hirer the following rates shall be paid

LIST OF FARES

	1st hour	2nd hour	3rd hour	Half day of five hours	Whole day of nine hours
	Rs A P	Rs A P	Rs A P	Rs A P	Rs A P
1st Class hackney carriage	1 4 0	0 12 0	0 8 0	3 0 0	5 0 0
2nd ,, ,,	0 12 0	0 6 0	0 6 0	2 0 0	3 0 0
3rd ,, ,,	0 8 0	0 4 0	0 4 0	1 4 0	2 0 0
4th ,,	0 2 0	0 1 0	0 1 0	0 8 0	1 0 0

	1st Class	2nd Class	3rd Class
	Rs. A P	Rs A P	Rs A P
A single journey by direct route from the railway station to any place within the Municipal limits or the suburbs of Ajmere	1 0 0	0 8 0	0 6 0

Minimum speed if hired by time

20 The minimum speed, at which a hackney carriage hired by time shall be driven, shall be six miles per hour

Carrying of lights.

21 Every licensed hackney carriage of the 1st, 2nd and 3rd class shall while plying for hire between sunset and sunrise, on dark nights carry two lights and that of the 4th class one light

22 Property found in licensed hackney carriages shall be deposited at the nearest police station by the proprietor or driver of such carriages A list of such property shall be posted at the headquarters, city police station, and at such other places as the District Superintendent of Police may direct. Property.

FORM OF CARRIAGE LICENSE

1—Ajmere Municipality
2—Number and class of license
3—Date of issue of license
4—Date of expiry of license
5—Name of proprietor or agent
6—Residence of proprietor or agent
7—Description of vehicle.
8—*Licensed to carry passengers, if drawn by one horse, if drawn by two horses*
9—Remarks

FORM OF DRIVER'S LICENSE

1—Ajmere Municipality
2—Number of license
3—Date of issue of license.
4—Name of Driver.
5—Father's Name
6—Residence
7—Remarks

[*] No. 572-374, *dated the 8th June, 1888.*

In exercise of the powers conferred upon him by Sections 4 and 5 of Act XIV of 1879, (The Hackney-Carriages Act, 1879,) the Chief Commissioner of Ajmere Merwara is pleased, with the previous sanction of the Governor General in Council, to make the following rules for the regulation and control of hackney carriages in the Military Cantonment of Nasirabad. The rules shall be published within the cantonment limits, in such manner as the Cantonment Committee may direct, for a period of not less than one month, at the expiration of which they shall have the force of law.

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*] See *Gazette of India*, for 1888, Pt. II, page 294.

RULES.

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1 No hackney carriage of any of the classes determined by these rules shall be let to hire, or taken to ply, or offered for hire, except under a license granted in that behalf by the Cantonment Committee

2 Such license shall be issued from the Cantonment Magistrate's Office after the carriages have been approved of by the Cantonment Committee, or such person as they shall appoint, to determine the class to which the carriages shall belong

3 There shall be 4 classes of hackney carriages, according to the quality of horses and vehicles, and licenses shall be granted to them subject to all provisions contained in these rules, and to the following conditions, *viz* —

(*a*) That the carriage is in good order and repair in all its parts

(*b*) That it is provided with two serviceable lamps, with the exception of carriages of the 4th class, which shall be required to carry one lamp only.

(*c*) That the horse is not, or the horses are not, less than 12½ hands high for carriages driven with a pair, and 13 hands for carriages driven with a single horse, and not less than 3 years of age

(*d*) That the harness is complete and serviceable

4 Licenses shall continue in force for the official year during which they are granted But they shall be liable to revocation within that time by order of the Cantonment Committee, or some person appointed on their behalf, on proof before them or him that the proprietor or his agent has been guilty of an infringement of any of these rules, or that the conditions on which the license was granted are not fully maintained

5 An application to renew the license shall be made one month before the expiry of the year of license, and the renewed license shall be granted in the same way and by the same officers, as provided in Rules 2 and 3, on payment of the same fee as for the original license

6 When a licensed hackney carriage is transferred to a new proprietor during the time of license, the name of such proprietor shall be duly reported both *by the transferor and transferee to the Cantonment Magistrate's Office* and shall be substituted in the license for the name of the transferor without further payment.

7. Each license shall bear a serial number, and this number shall be printed in English, Hindi and Urdu, in a conspicuous place on the licensed hackney carriage

8 All hackney carriage licenses and carriages shall be produced for inspection whenever ordered by the Cantonment Committee or such person as they may empower to do so on their behalf

9 No person shall be allowed to act as the driver of a licensed vehicle except under a driver's license granted to him on that behalf by the officers mentioned in Rule 2 A drivers license is not transferable, and shall be granted for the official year A driver's license should not be granted to any person under 18 years of age

10 Every driver, so licensed, shall wear, while driving a licensed carriage or plying for hire, a badge on his arm, bearing the number of his license

11 The licenses for hackney carriages and drivers shall be in the form attached to these rules, and shall be printed on strong paper The fee for each carriage license of the 1st 2nd or 3rd class shall be Re 1, and for each driver s license or badge Re 0 8 0 The fee for carriages of the 4th class shall be Re 0 8 0 only, and drivers of such carriages shall not be required to take out a license

12 Any proprietor or agent of the proprietor, or driver of any licensed vehicle who knowingly permits it to be drawn by a less number of horses than is provided in the license or knowingly permits more passengers to be carried in such carriage than is permitted by these rules, or who shall do any act in contravention of Rules 1 7, 8, 9, 10, 13, 15, 16, 18, 22, 23 and 25, shall in addition to the forfeiture of his license, be liable to a fine which may extend to Rs 50

13 Any driver who cruelly beats, ill treats, overdrives or otherwise misuses any horse driven in a licensed vehicle, shall be liable to forfeiture of his license to drive, in addition to any other punishment to which he may be liable under any law in force for the time being

14 It shall be lawful for any person named in Rule 2 to enter premises on which licensed vehicles, horses, harness, &c, are kept in order to carry out the provisions of these rules and it shall be lawful for any Police officer to apprehend without warrant, any person committing any of the offences described in Rule 12

15 The Cantonment Committee shall from time to time appoint places as stands for licensed carriages, which shall use these places and none other. The regulation of the order in which hackney carriages shall rank on the stand shall be under the control of the police.

16 The driver of a licensed carriage waiting on a public stand or plying for hire, shall at any time of day or night, be bound to give such carriage on hire to any person demanding the same, unless for a good or sufficient reason, the burden of proving which shall lie on the driver so refusing, but shall be entitled to claim his discharge after a continuous hire of a day of 9 hours

17 The maximum number of persons which may be carried by each description of hackney carriage is as follows —

1 *By a buggy* —Two persons, excluding the syce

2 *By a dogcart* —Four persons, including syce and driver.

3 *By a waggonette, phaeton or palki garri* —With one horse, five persons, including syce and driver. With two horses, seven persons, including syce and driver

4 *By a tonga* —Four persons, including syce and driver.

Two children under 10 years of age shall be reckoned as one adult

18 Every licensed carriage shall have affixed in it a list of the fares prescribed in the following rule Such rule shall be printed in English, Urdu and Hindi One copy shall be provided yearly at the time of licensing by the Cantonment Committee, but the renewal of a list which has become lost, destroyed or defaced, shall rest with the proprietor, who shall renew it at once

19 In the absence of any private agreement between the proprietor, agent or driver of a licensed carriage and the hirer, the following rates shall be paid —

Description of carriage.	1 hour	2 hours	3 hours	Half day of 5 hours	Whole day of 9 hours
	Rs A P	Rs A P	Rs A P	Rs A P	Rs A P
1st class ..	1 0 0	1 12 0	3 0 0	3 8 0	5 0 0
2nd class ..	0 12 0	1 4 0	1 8 0	2 0 0	3 0 0
3rd class	0 8 0	0 12 0	1 4 0	1 8 0	2 8 0
4th class	0 4 0	0 6 0	0 8 0	0 12 0	1 0 0

6. Residence of proprietor or agent.

7 Description of vehicle

8. Licensed to carry passengers, if drawn by one horse.
Do. do. if drawn by two horses.

9 Remarks

Form of driver's license.

1. Nusseerabad Cantonment.
2 No of license.
3. *Date of issue of license.*
4 Name of driver.
5. Father's name.
6 Residence.
7. Remarks.

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7. Each license shall bear a serial number, and this number shall be printed in English, Hindi and Urdu, in a conspicuous place on the licensed hackney carriage.

8 All hackney carriage licenses and carriages shall be produced for inspection whenever *ordered by the Cantonment Committee or such person* as they may empower to do so on their behalf

9 No person shall be allowed to act as the driver of a licensed vehicle except under a driver's license, granted to him on that behalf by the officers mentioned in Rule 2 A driver's license is not transferable, and shall be granted for the official year A driver's license should not be granted to any person under 18 years of age

10. Every driver, so licensed, shall wear, while driving a licensed carriage or plying for hire, a badge on his arm, bearing the number of his license

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12 Any proprietor or agent of the proprietor, or driver of any licensed vehicle who knowingly permits it to be drawn by a less number of horses than is provided in the license or knowingly permits more passengers to be carried in such carriage than is permitted by these rules, or who shall do any act in contravention of Rules 1, 7, 8, 9, 10, 13, 15, 16, 18, 22, 23 and 25, shall in addition to the forfeiture of his license, be liable to a fine which may extend to Rs 50

13 Any driver who cruelly beats, ill treats, overdrives or otherwise misuses any horse driven in a licensed vehicle, shall be liable to forfeiture of his license to drive, in addition to any other punishment to which he may be liable under any law in force for the time being

14 It shall be lawful for any person named in Rule 2 to enter premises on which licensed vehicles, horses, harness, &c , are kept in order to carry out the provisions of these rules and it shall be lawful for any Police officer to apprehend without warrant, any person committing any of the offences described in Rule 12.

15 The Cantonment Committee shall from time to time appoint places as stands for licensed carriages, which shall use these places and none other. The regulation of the order in which hackney carriages shall rank on the stand shall be under the control of the police

16 The driver of a licensed carriage waiting on a public stand or plying for hire, shall at any time of day or night be bound to give such carriage on hire to any person demanding the same, unless for a good or sufficient reason, the burden of proving which shall lie on the driver so refusing, but shall be entitled to claim his discharge after a continuous hire of a day of 9 hours

17 The maximum number of persons which may be carried by each description of hackney carriage is as follows —

1 *By a buggy* —Two persons, excluding the syce

2 *By a dogcart* —Four persons, including syce and driver

3 *By a waggonette, phaeton or palki garri* —With one horse, five persons, including syce and driver With two horses, seven persons, including syce and driver

4 *By a tonga* —Four persons, including syce and driver

Two children under 10 years of age shall be reckoned as one adult

18 Every licensed carriage shall have affixed in it a list of the fares prescribed in the following rule Such rule shall be printed in English, Urdu and Hindi One copy shall be provided yearly at the time of licensing by the Cantonment Committee, but the renewal of a list which has become lost, destroyed or defaced, shall rest with the proprietor, who shall renew it at once

19 In the absence of any private agreement between the proprietor, agent or driver of a licensed carriage and the hirer, the following rates shall be paid —

Description of carriage.	1 hour	2 hours.	3 hours	Half day of 5 hours	Whole day of 9 hours
	Rs A P	Rs A P	Rs A P	Rs A P	Rs A P
1st class .	1 0 0	1 12 0	3 0 0	3 8 0	5 0 0
2nd class .	0 12 0	1 4 0	1 8 0	2 0 0	3 0 0
3rd class .. .	0 8 0	0 12 0	1 4 0	1 8 0	2 8 0
4th class .. .	0 4 0	0 6 0	0 8 0	0 12 0	1 0 0

A drive from any part of the cantonment to the railway station or *vice versa*, to be charged for as an hour's drive. The fare for drives beyond cantonment limits shall be settled between the proprietor of the licensed vehicle or his agent and the hirer. Cantonment limits shall, for the purpose of these rules, mean a distance of 6 miles from the Post Office.

20. The minimum speed at which a carriage hired by time shall be driven is 6 miles per hour.

21. Every licensed vehicle shall, while plying for hire between sunset and sunrise on dark nights, have the lamps burning.

22. Property found in licensed vehicles shall be deposited at the nearest Police Station by the proprietor or his agent or driver of such carriages. A list of such property shall be posted at headquarters cantonment Police Station, and at such other places as the District Superintendent of Police may direct.

23. Ekkas will be required to take out licenses, and shall be classed as 4th class. They shall not carry more than four adult persons, inclusive of the driver.

24. In the case of any dispute arising between the proprietor or driver of a hackney-carriage and the hirer, the person may apply to the officer in charge of the Police Station for a settlement of the dispute, and such officer shall be competent to dispose of the case, having due regard to the rules. The parties may, however, appeal to the Cantonment Magistrate, should they feel aggrieved by the decision arrived at by the officer in charge of the Police Station and the Magistrate's decision in the matter shall be final.

25. No carriage shall be let for hire to any soldier, except upon the production of a pass signed by a commissioned officer, entitling such soldier to the use of a conveyance.

Form of carriage license.

1. Nusseerabad Cantonment.
2. Number and Class of license.
3. Date of issue of License.
4. Date of expiry of license.
5. Name of proprietor or agent.

6. Residence of proprietor or agent.

7 Description of vehicle

8. Licensed to carry passengers, if drawn by one horse.
Do do. if drawn by two horses.

9 Remarks

Form of driver's license

1. Nusseerabad Cantonment.
2 No of license.
3 Date of issue of license.
4 Name of driver
5 Father's name
6 Residence
7 Remarks

AN ACT FOR IMPOSING A TAX ON INCOME DERIVED FROM SOURCES OTHER THAN AGRICULTURE.

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ACT No. II of 1886.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL

(*Received the assent of the Governor General on the 29th January* 1886)

An Act for imposing a tax on income derived from sources other than agriculture.

Whereas it is expedient to impose a tax on income derived from sources other than agriculture, It is hereby enacted as follows —

CHAPTER I

PRELIMINARY.

1 (1) This Act extends to the whole of British India, and applies also, within the dominions of Princes and States in India in alliance with Her Majesty, to British subjects in those dominions who are in the service of the Government of India or of a local authority established in the exercise of the powers of the Governor General in Council in that behalf, and — **Extent and commencement**

(2) It shall come into force on the first day of April 1886.

(3) [Repealed by Act XII of 1891, Schedule I]

2 On and from the day on which this Act comes into force the enactments specified in the first schedule to this Act shall be repealed, except as to fees payable and other sums due under those enactments and the mode of recovering the same. — **Repeal**

3 In this Act, unless there is something repugnant in the subject or context,— — **Definitions.**

(1) "local authority" means any municipal committee, district board, body of port commissioners or other authority legally entitled to, or entrusted by the Government with, the control or management of any municipal or local fund

(2) "company" means an association carrying on business in British India, whose stock or funds is or are divided into shares and transferable, whether the company is incorporated or not, and whether its principal place of business is situate in British India or not

(3) "prescribed" means prescribed by the Governor General in Council by notification in the Gazette of India, or by the Governor General in Council or a Local Government by rules made under this Act.

(4) "salary" includes allowances, fees, commissions, perquisites or profits received, in lieu of or in addition to a fixed salary, in respect of an office or employment of profit, but, subject to any rules which may be prescribed in this behalf, it does not include travelling, tentage horse or sumptuary allowance, or any other allowance granted to meet specific expenditure

(5) "income" means income and profits accruing and arising or received in British India, and includes, in the case of a British subject within the dominions of a Prince or State in India in alliance with Her Majesty, any salary, annuity, pension or gratuity payable to that subject by the Government or by a local authority established in the exercise of the powers of the Governor General in Council in that behalf

(6) "Magistrate' means a Presidency Magistrate or a Magistrate of the first or second class

(7) "person" includes a firm and a Hindu undivided family·

(8) "defaulter" includes a company or firm making default under this Act.

(9) "Collector" means the chief officer in charge of the revenue-administration of a district, and, in a presidency town, any officer whom the Local Government, by notification in the official Gazette, may, by name or by virtue of his office, appoint to be a Collector for the purposes of this Act, in the case of a company or firm, it means the Collector, as here defined, of the district or presidency town in which its principal place of business in British India is situate, and, in the case of any other person chargeable under this Act, it means the Collector, defined as aforesaid, of the district or presidency-town in which the person has his residence

(10) "principal officer," used with reference to a local authority or a company or any other public body or association not being a local authority or company, means—

(a) the secretary, treasurer, manager or agent of the authority, company, body or association, or

(b) any person connected with the authority, company, body or association upon whom the Collector has caused a notice to be served of his intention of treating him as the principal officer thereof, and

(11) "Part" means a Part of the second schedule to this Act.

CHAPTER II.

LIABILITY TO TAX.

4. Subject to the exceptions mentioned in the next following section, there shall be paid, in the year beginning with the first day of April, 1886, and in each subsequent year, to the credit of the Government of India, or as the Governor General in Council directs, in respect of the sources of income specified in the first column of the second schedule to this Act, a tax at the rate specified in that behalf in the second column of that schedule. Incomes liable to the tax.

5. (1) Nothing in section 4 shall render liable to the tax— Exceptions.

(a) any rent or revenue derived from land which is used for agricultural purposes and is either assessed to land-revenue or subject to a local rate assessed and collected by officials of the Government, as such; or

(b) any income derived from—

(i) agriculture, or

(ii) the performance by a cultivator or receiver of rent-in-kind of any process ordinarily employed by a cultivator or receiver of rent-in-kind to render the produce raised or received by him fit to be taken to market, or

(iii) the sale by a cultivator or receiver of rent-in-kind of the produce raised or received by him, when he does not keep a shop or stall for the sale of such produce; or

(c) any building owned and occupied by the receiver of the rent or revenue of any such land as is referred to in clause (a), or by the cultivator, or the receiver of rent-in-kind, of any land with respect to which or the produce whereof any operation mentioned in clause (b) is carried on:

Provided that the building is on or in the immediate vicinity of the land, and is a building which the receiver of the rent or revenue, or the cultivator or the receiver of the rent-in-kind, by reason of his connection with the land, requires as a dwelling house, or as a store-house, factory or other out-building; or

(d) any profits of a shipping company incorporated or registered out of British India and having its principal place of business out of India and its ships ordinarily engaged in seagoing traffic out of Indian waters, or

(e) any income derived from property solely employed for religious or public charitable purposes, or

(f) any income which a person enjoys as a member of a company or of a firm or of a Hindu undivided family when the company or the firm or the family is liable to the tax, or

(g) subject to any conditions and restrictions which may be prescribed in this behalf, such portion, not exceeding one sixth, of the income in respect whereof a person would, but for this exception, be chargeable under this Act as is deducted from the salary of the person under the authority or with the permission of the Government for the purpose of securing a deferred annuity to him or a provision to his wife or children after his death *or is paid by the person to an insurance company in respect of an insurance* or deferred annuity on his own life or on the life of his wife, or

(h) any interest on stock-notes, or

(i) the salary of any officer, warrant-officer, non commissioned officer or private of Her Majesty's Forces or of Her Majesty's Indian Forces who is not in an employment which, according to the ordinary practice, is held indifferently by military persons and civilians, and whose salary does not exceed five hundred rupees per mensem, or

(j) any person whose income from all sources is less than five hundred rupees per annum

(2) An officer or servant is not exempt from taxation under this Act by reason only of the income of his employer being exempt therefrom under this section

Power to make exemptions

6 The Governor General in Council may, by notification in the Gazette of India, exempt from liability to the tax the whole or any part of the income of any class or tribe, or of any persons residing in any specified area, and may, by a like notification, revoke the exemption

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CHAPTER III

Assessment and Collection.

A.—Salaries and Pensions

Mode of payment in case of Government officers and pensioners.

7 In the case of a person receiving any salary, annuity, pension or gratuity from the Government, any sum payable to him by the Government in respect of the salary, annuity, pension or gratuity shall be reduced by the amount of the tax to which he is liable under Part I in respect thereof

8 (1) In the case of a person receiving any salary, annuity, pension or gratuity from a local authority, the tax to which he is liable under Part I shall, at the time of the payment to him of any of the salary, annuity, pension or gratuity, be deducted therefrom by the officer whose duty it is to make the payment, and be paid by that officer within the prescribed time to the credit of the Government of India or as the Governor General in Council directs

Mode of payment in case of servants and pensioners of local authorities

(2) If that officer does not deduct and pay the tax as required by sub-section (1), he shall, without prejudice to any other consequences which he may incur, be deemed to be personally in default in respect of the tax.

(3) If, when any payment is made, the tax is from any cause not deducted, it may, and on the requisition of the Collector shall, be deducted when any salary, annuity, pension or gratuity is subsequently paid to the person liable to the tax

(4) The power to deduct under this section shall be without prejudice to any other mode of recovery

9 (1) The tax to which a person receiving any salary, annuity, pension or gratuity from a company, or from any other public body or association not being a local authority or company, or from a private employer, is liable under Part I shall be payable by him at the time when any portion of the salary, annuity, pension or gratuity is paid to him

Mode of payment in case of servants and pensioners of companies and private employers

(2) The Collector may, subject to such conditions as may be prescribed, enter into an arrangement with any company, or any such body or association as aforesaid, or any private employer, with respect to the recovery on behalf of the Government by the company, body, association or employer of the tax to which any person receiving any salary, annuity pension or gratuity from the company, body, association or employer is liable under Part I

10 The principal officer of every local authority, and of every company, and of every other public body or association not being a local authority or company, shall prepare, and, on or before the fifteenth day of April in each year, deliver or cause to be delivered to the Collector, in the prescribed form, a return in writing showing—

Annual return by principal officer of company or association.

(a) the name of every person who is receiving at the date of the return any salary, annuity or pension, or has received during the year ending on

that date any gratuity, from the authority, company, body or association as the case may be, and the address of every such person so far as it is known, and

(b) the amount of the salary, annuity, pension or gratuity so received by each such person, and the time at which the same becomes payable or, in the case of a gratuity, was paid.

B.—Profits of Companies

Annual statement of nett profits.

11 The principal officer in British India of every company shall prepare, and, on or before the fifteenth day of April in each year, deliver or cause to be delivered to the Collector, a statement in writing signed by him of the nett profits made in British India by the company during the year ending on the day on which the company's accounts have been last made up, or, if the company's accounts have not been made up within the year ending on the thirty-first day of March in the year immediately preceding that for which the assessment is to be made then of the nett profits so made during the year ending on the said thirty-first day of March.

Power to require officers of companies to produce accounts.

12 (1) If the Collector has reason to believe that a statement delivered under section 11 is incorrect or incomplete, he may cause to be served on the principal officer of the company a notice requiring him, on or before a date to be therein mentioned, either to attend at the Collector's office and produce, or to cause to be there produced, for the inspection of the Collector such of the accounts of the company as refer to the year to which the statement relates and as are in his possession or power

(2) On the day specified in the notice, or as soon afterwards as may be, the Collector shall, by an order in writing determine the amount at which the company shall be assessed under Part II, and the time when the amount shall be paid, and, subject to the provisions of this Act, that amount shall be payable accordingly.

C.—Interest on Securities

Mode of payment of tax on interest on securities.

13 (1) The tax payable under Part III in respect of the interest on any of the securities mentioned in that Part shall, at the time when and place where any of the interest is paid, be deducted therefrom by the person empowered to pay the interest, and be paid by that person within the prescribed time to the credit of the Government of India or as the Governor General in Council directs.

(2) If that person does not deduct and pay the tax as required by sub section (1), he shall, without prejudice to any other consequences which he may incur, be deemed to be personally in default in respect of the tax.

D—Other Sources of Income

Ordinary Mode of Assessment and Collection

14 The Collector shall, from time to time, determine what persons are chargeable under Part IV, and the amount at which every person so chargeable shall be assessed. Collector to determine persons chargeable.

15 (1) The assessment shall be made upon the income accruing to the person during the year ending on the day on which his accounts have been last made up, or, if his accounts have not been made up within the year ending on the thirty-first day of March in the year immediately preceding that for which the assessment is to be made, then upon the income accruing to him during the year ending on the said thirty first day of March. Mode of making assessment

(2) In the case of a person for the first time becoming chargeable under Part IV within the year for which the assessment is to be made, or within the year next before that year, the assessment shall be made according to an average of his income for such period as the Collector, having regard to the circumstances, directs

16 (1) The Collector shall in each year prepare a list of the persons, chargeable under Part IV whose annual income does not, in his opinion amount to two thousand rupees List of incomes under two thousand rupees

(2) The list shall be in the prescribed language or languages, and shall state in respect of every such person the following particulars namely —

(a) his name, and the source or sources of the income in respect of which he is chargeable,

(b) the year or portion of the year for which the tax is to be paid;

(c) the place or places, district or districts, where the income accrues;

(d) the amount to be paid, and

(e) the place where, and the person to whom, the amount is to be paid.

(3) The list shall be filed in the office of the Collector, with a notification prefixed thereto requiring every person mentioned in the list to pay, within sixty days from a date specified in the notification, the amount stated in the list as payable by him, or to apply to the Collector, within thirty days from that date, to have the assessment reduced or cancelled.

(4) The list so filed shall be open to inspection at all reasonable times without any payment.

(5) The list, or such part or parts thereof as the Collector thinks fit, with the notifications prefixed thereto, shall be further published in such manner as the Local Government may consider to be best adapted for giving information to all persons concerned.

(6) The list to be prepared in each year may be the list of the previous year with such amendments as the Collector finds to be necessary.

Notice to persons with incomes of two thousand rupees and upwards.

17. In the case of a person chargeable under Part IV whose annual income is, in the Collector's opinion two thousand rupees or upwards, the Collector shall cause a notice to be served on him stating the particulars (a) to (c), both inclusive, mentioned in section 16, sub section (2), and requiring him to pay, within sixty days from a date specified in the notice, the amount stated therein, as payable by him, or to apply to the Collector, within thirty days from that date, to have the assessment reduced or cancelled.

Power to make special procedure in special cases.

18 (1) Notwithstanding anything contained in section 16 or section 17, the Local Government may make rules—

(a) authorising or directing a Collector in specified cases, or classes of cases, to include in a list under section 16 any person who is liable to be served with a notice under section 17 instead of or in addition to serving him with such a notice, and to serve a notice under section 17 on any person liable to be included in a list under section 16 instead of or in addition to including him in such a list,

(b) authorising the Collector in any specified town or place to cause a general notice to be published, inviting every person chargeable under Part IV to deliver or cause to be delivered to the Collector, within a time specified in the notice, a return, in a prescribed form published with the notice, of his income during the year

ending on the day on which his accounts have been last made up, or, if his accounts have not been made up within the year ending on the thirty first day of March in the year immediately preceding that for which the assessment is to be made, then of his income during the year ending on the said thirty-first day of March,

(c) authorising the Collector in any presidency-town to cause a special notice to be served on any person chargeable under Part IV inviting him to deliver or cause to be delivered to the Collector, within a time specified in the notice, a return, in a prescribed form accompanying the notice, of his income computed in the manner described in clause (b) of this sub section.

(2) A return delivered under rules made under clause (b) or clause (c) of sub-section (1) must state the period during which the income has actually accrued, and there must be added at the foot thereof a declaration that the income shown in the return is truly estimated on all the sources therein mentioned that it has actually accrued within the period therein stated and that the person making the return has no other source of income.

(3) When a Collector authorised in that behalf by rules made under clause (b) or clause (c) of sub section (1) has caused a notice to be published or served under those rules, he shall not include any person to whom the notice applies in any list made under section 16 or serve a notice on him under section 17 until the time specified in the notice published or served under those rules has expired

(4) Rules made under this section shall be published in the official Gazette

19 Every amount specified as payable in a list or notice prepared or served under section 16 or section 17 shall be paid within the time, at the place, and to the person, mentioned in the list or notice

Trustees, Agents, Managers and Incapacitated Persons

20 A person being the trustee, guardian curator or committee of any infant, married woman subject to the law of England, lunatic or idiot, and having the control of the property of the infant, married woman, lunatic or idiot, whether the infant married woman, lunatic or idiot resides in British India or not, shall, if the infant, married woman, lunatic or idiot

is chargeable under Part IV, be chargeable under that Part in like manner and to the same amount as the infant would be chargeable if he were of full age, or the married woman if she were sole, or the lunatic or idiot if he were capable of acting for himself

Non residents to be charged in names of their agents

21 Any person not resident in British India, whether a subject of Her Majesty or not, being in receipt, through an agent, of any income chargeable under Part IV, shall be chargeable under that Part in the name of the agent in the like manner and to the like amount as he would be chargeable if he were resident in British India and in direct receipt of that income

Receivers, managers Courts of Wards Administrators General and Official Trustees.

22. Receivers or managers appointed by any Court in India, the Courts of Wards, the Administrators General of Bengal, Madras and Bombay, and the Official Trustees shall be chargeable under Part IV in respect of all income officially in their possession or under their control which is liable to assessment under that Part.

Power to retain duties charged on trustees, &c

23 When a trustee, guardian, curator, committee, or agent is, as such, assessed under Part IV,

or when a receiver or manager appointed as aforesaid, a Court of Wards, an Administrator General, or an Official Trustee is assessed under that Part in respect of income officially received,

the person or Court so assessed may, from time to time, out of the money coming to his or its possession as trustee, guardian curator, committee or agent, or as receiver, manager, Court of Wards, Administrator General or Official Trustee, retain so much as is sufficient to pay the amount of the assessment.

Occupying Owners.

Provision for tax on occupying owners

24 (1) Where a building is occupied by its owner, it shall be deemed a source of income within the meaning of this Act, and, if liable to be assessed under this Act, shall be assessed at five-sixths of the gross annual rent at which it may reasonably be expected to let, and, in the case of a dwelling-house, may be expected to let unfurnished

(2) "Owner," as used in this section with reference to a building, means the person who would be entitled to receive the rent of the building if the building were let to a tenant

CHAPTER IV.

Revision of Assessment.

Petition to Collector against assessment under Part IV

25 (1) Any person objecting to the amount at which he is assessed, or denying his liability to be assessed under Part IV, may apply by petition to the Collector to have the assessment reduced or cancelled

(2) The petition shall ordinarily be presented within the period specified in the notification prefixed to the list filed under section 16, or in the notice served under section 17, as the case may be But the Collector may receive a petition after the expiration of that period if he is satisfied that the objector had sufficient cause for not presenting it within that period

(3) The petition shall, as nearly as circumstances admit, be in the form contained in the third schedule to this Act, and the statements contained in the petition shall be verified by the petitioner or some other competent person in the manner required by law for the verification of plaints

Hearing of petition

26 The Collector shall fix a day and place for the hearing of the petition and on the day and at the place so fixed or on the day and at the place, if any, to which he has adjourned the hearing, shall hear the petition and pass such order thereon as he thinks fit

Petition to Commissioner for revision

27 Subject to the control of the Local Government, the Commissioner of the Division, on the petition of any person deeming himself aggrieved by an order under section 12 sub section (2), or section 26 shall, if the amount of the assessment to which the petition relates is two hundred and fifty rupees or upwards, and may in his discretion, if the amount of the assessment is less than two hundred and fifty rupees, call for the record of the case, and pass such order thereon as he thinks fit.

Power to summon witnesses &c

28 The Collector or Commissioner may, for the purpose of enabling him to determine how the petitioner or the company which he represents should be assessed, summon and enforce the attendance of witnesses and compel them to give evidence, and compel the production of documents, by the same means, and, as far as possible, in the same manner, as is provided
882 in the case of a Civil Court by the Code of Civil Procedure

Provided that the Collector or Commissioner shall not call for any evidence except at the instance of the petitioner or in order to ascertain the correctness of facts alleged by him

CHAPTER V.

Recovery of Arrears of Tax

Tax when payable

29 The tax chargeable under this Act shall be payable at the time appointed in that behalf in or under this Act, or, if a time is not so appointed, then on the first day of June in each year

Mode and time of recovery

30 (1) In any case of default under this Act the Collector, in his discretion, may recover a sum not exceeding double the amount of the tax either as if it were an arrear of land revenue or by any process enforceable for the recovery of an arrear of any municipal tax or local rate imposed under any enactment for the time being in force in any part of the territories administered by the Local Government to which he is subordinate, or may pass an order that a sum not exceeding double that amount shall be recovered from the defaulter

Provided that, where a person has presented a petition under section 25, such sum shall not be recoverable from him unless, within thirty days from the passing of the order on the petition, he fails to pay the amount, if any, required by that order

(2) The Local Government may direct by what authority any powers or duties incident under any such enactment as aforesaid to the enforcement of any process for the recovery of a municipal tax or local rate shall be exercised or performed when that process is employed under sub section (1) for the recovery of the tax chargeable under this Act

(3) An order passed by the Collector under sub-section (1) shall have the force of a decree of a Civil Court in a suit in which the Government is the plaintiff and the defaulter is the defendant, and the order may be enforced in manner provided by the Code of Civil Procedure for the enforcement of decrees for money, and the procedure under the said Code in respect of the following matters, namely,— XIV of 1

(a) sales in execution of decrees,

(b) arrest in execution of decrees for money,

(c) execution of decrees by imprisonment,

(d) claims to attached property, and

(e) execution of decrees out of the jurisdiction of the Courts by which they were passed,

shall apply to every execution issued for levying the sum mentioned in the order, save that all the powers and duties conferred and imposed by the

said Code upon the Court shall be exercised and discharged by the Collector by whom the order has been made or to whom a copy thereof has been sent for execution according to the provisions of the said Code, sections 223 and 224

(4) The Local Government may direct, with respect to any specified area, that the tax chargeable under this Act shall be recovered therein with, and as an addition to, any municipal tax or local rate by the same person and in the same manner as the municipal tax or local rate is recovered

(5) No proceedings for the recovery of any sum payable under this Act shall be commenced after the expiration of three months from the last day of the year in respect of which the sum is payable

CHAPTER VI

Supplemental Provisions

Composition

31 (1) If a company or person desires to compound for the tax assessable under Part II or Part IV as the case may be the Collector may subject to such rules as may be prescribed in this behalf agree with the company or person for a composition for the tax on such terms and for such period as he thinks fit — Agreements for composition

(2) The agreement shall provide for the payment in each year of the period comprised in the agreement of the amount of the composition, and that amount shall be recoverable in the same manner and by the same means as any other assessment made under Part II or Part IV, as the case may be

Receipts

32 When any money is paid under this Act to the Collector or is recovered thereunder by him, he shall give a receipt for the same, specifying— — Receipts and their contents

(a) the date of the payment or recovery of the money,

(b) the amount paid or recovered,

(c) the person who was liable to the tax, and the source or sources of income in respect of which the tax was payable,

(d) the year or part of the year for which the tax was payable,

(e) the place or places, district or districts, where the income accrues, and

(f) such other particulars, if any, as may be prescribed.

Amendment of Assessment

Amendment of assessment

33 If a company or person assessed under Part II or Part IV ceases to carry on the trade or business in respect whereof the assessment was made, or if any such person dies or becomes insolvent before the end of the year for which the assessment was made, or if any such company or person is, from any other specific cause, deprived of or loses the income on which the assessment was made, then the company or person or its or his representative in interest may apply to the Collector during or within three months after the end of the year, and the Collector, on proof to his satisfaction of any such cause as aforesaid, shall amend the assessment as the case may require, and refund such sum, if any, as has been overpaid

Penalties

Failure to make payments or deliver returns or statements.

34 (1) If a person fails—

(a) to deduct and pay any tax as required by section 8, sub section (1), or section 13, sub section (1), or

(b) to deliver or cause to be delivered to the Collector in due time the return or statement mentioned in section 10 or section 11, or

(c) to produce, or cause to be produced, on or before the date mentioned in a notice under section 12, such accounts as are referred to in the notice,

he shall, on conviction before a Magistrate, be punishable with fine which may extend to ten rupees for every day during which the default continues

(2) The Commissioner of the Division may remit wholly or in part any fine imposed under this section

False statement in declaration.

35 If a person makes a statement in a declaration mentioned in section 18, sub section (2), which is false, and which he either knows or believes to be false or does not believe to be true, he shall be deemed to have committed the offence described in section 177 of the Indian Penal Code. XLV of

Prosecution to be at instance of Collector

36 A person shall not be proceeded against for an offence under section 34 or section 35, except at the instance of the Collector.

37. Any proceeding under section 12 or Chapter IV of this Act shall be deemed to be a "judicial proceeding" within the meaning of sections 193 and 228 of the Indian Penal Code. *Sections 193 and 228 of Penal Code to apply to proceedings.* XLV of 1860.

Power to make Rules

38. (1) The Governor General in Council may make rules consistent with this Act for ascertaining and determining income liable to assessment, for preventing the disclosure of particulars contained in documents delivered or produced with respect to assessments under Part IV, and, generally, for carrying out the purposes of this Act, and may delegate to a Local Government the power to make such rules so far as regards the territories subject to that Government. *Power to make rules.*

(2) In making a rule for preventing the disclosure of any particulars referred to in sub-section (1), the Governor General in Council may direct that a public servant committing a breach of the rule shall be deemed to have committed an offence under section 166 of the Indian Penal Code. XLV of 1860.

(3) But a person committing any such offence shall not be liable to be prosecuted therefor without the previous sanction of the Local Government.

(4) Rules made under this section shall be published in the official Gazette.

Miscellaneous.

39. No suit shall lie in any Civil Court to set aside or modify any assessment made under this Act. *Bar of suits in Civil Court.*

40. All or any of the powers and duties conferred and imposed by this Act on a Collector or on a Commissioner of Division may be exercised and performed by such other officer or person as the Local Government appoints in this behalf. *Exercise of powers of Collector and Commissioner.*

41. An officer or person exercising all or any of the powers of a Collector under this Act may, by notice, require any person to furnish a list, in the prescribed form, containing, to the best of his belief,— *Obligation to furnish information respecting lodgers and employés.*

(a) the name of every inmate or lodger resident in any house used by him as a dwelling-house or let by him in lodgings,

(b) the name of every other person receiving salary or emoluments amounting to forty one rupees ten annas and eight pies per mensem, or five hundred rupees per annum, or upwards, employed in his service, whether resident in any such house as aforesaid or not, and

(c) the place of residence of such of those persons as are not resident in any such house, and of any inmate or lodger in any such house who has

a place of residence elsewhere at which he is liable under this Act to be assessed, and who desires to be assessed at that place

Trustees and agents to furnish information as to beneficiaries and principals

42 An officer or person exercising all or any of the powers aforesaid may, by notice, require any person whom he has reason to believe to be a trustee, guardian, curator, committee or agent to deliver or cause to be delivered a statement of the names of the persons for or of whom he is trustee, guardian, curator, committee or agent

Trustees &c to furnish information as to income

43 An officer or person exercising all or any of the said powers may, by notice, require a trustee, guardian, curator, committee or agent, or a receiver or manager appointed by any Court in India, or a Court of Wards, Administrator General or Official Trustee to furnish such returns of income liable to assessment under Part IV as may be prescribed

Obligation to furnish other information

44 An officer or person exercising all or any of the said powers may, at the instance of any person respecting whose assessment or the amount thereof any doubt exists require any person to furnish such information as he deems to be necessary for the purpose of ascertaining facts relevant to the assessment or its amount.

Sections 176 and 177 of Indian Penal Code to apply to requisitions for information

45 A person required to furnish any information under section 41, section 42, section 43, or section 44, shall be legally bound to furnish the same in such manner and within such time as may be specified in the requisition for the information

Service of notices

46 (1) A notice under this Act may be served on the person therein named either by a prepaid letter addressed to the person and registered under Part III of the Indian Post Office Act, 1866, or by the delivery or tender to him of a copy of the notice XIV

(2) If a notice is served by registered letter, it shall be presumed to have been served at the time when the letter would be delivered in the ordinary course of post, and proof that the letter was properly addressed and put into the post shall be sufficient to raise the presumption that the notice was duly served at that time.

(3) If the notice is to be served otherwise than by registered letter, the service shall, whenever it may be practicable, be on the person named in the notice, or in the case of a firm, on some member thereof, or, in the case of a Hindu undivided family, on the manager of the joint estate of the family.

(4) But when the person, member or manager cannot be found, the service may be made on any adult male member of his family residing with him ; and if no such adult male member can be found, the serving officer shall fix the copy of the notice on the outer door of the house in which the person, firm or family therein named ordinarily resides or carries on business

Power to declare principal place of business or residence.

47 (1) When a company or firm has several places of business in territories subject to different Local Governments, the Governor General in Council may declare which of those places shall, for the purposes of this Act, be deemed to be the principal place of business

(2) When a company or firm has several places of business in the territories subject to a single Local Government, that Government may declare which of them shall, for the purposes of this Act, be deemed to be the principal place of business

(3) When a person has several places of residence in the territories subject to different Local Governments, the Governor General in Council may declare which of those places shall, for the purposes of this Act, be deemed to be his residence

(4) When a person has several places of residence in the territories subject to a single Local Government, that Government may declare which of those places shall, for the purposes of this Act, be deemed to be his residence

(5) The powers given by this section may be delegated to, and exercised by, such officers as the Governor General in Council or the Local Government, as the case may be, appoints in this behalf

Saving in favour of payers of pandhari and capitation taxes.

48 Where a person is in respect of any period liable to the tax under this Act he shall not in respect of that period be assessed to the pandhari tax levied in the Central Provinces under Act XIV of 1867, or to the capitation tax, or the land rate in lieu thereof, levied in British Burma under the Burma Land and Revenue Act, 1876 II of 187

Indemnity

49 Every person deducting, retaining or paying any tax in pursuance of this Act or of any arrangement under section 9, sub-section (2), in respect of income belonging to another person, is hereby indemnified for the deduction, retention or payment thereof

Powers exercisable from time to time

50. All powers conferred by, or conferable under this Act may be exercised from time to time as occasion requires

a place of residence elsewhere at which he is liable under this Act to be assessed, and who desires to be assessed at that place.

Trustees and agents to furnish information as to beneficiaries and principals.

42. An officer or person exercising all or any of the powers aforesaid may, by notice, require any person whom he believes to be a trustee, guardian, curator, committee or agent to deliver or cause to be delivered a statement of the names of the persons for or of whom he is trustee, guardian, curator, committee or agent.

Trustees &c. to furnish information as to income.

43. An officer or person exercising all or any of the said powers may, by notice, require a trustee, guardian, curator, committee or agent, or a receiver or manager appointed by any Court in India, or a Court of Wards, Administrator General or Official Trustee, to furnish such returns of income liable to assessment under Part IV as may be prescribed.

Obligation to furnish information. [illegible]

44. An officer or person exercising all or any of the said powers may, at the instance of any person respecting whose assessment or the amount thereof any doubt exists, require any person to furnish such information as he deems to be necessary for the purpose of ascertaining facts relevant to the assessment or its amount.

[illegible]

45. A person required to furnish any information under section 41, section 42, section 43, or section 44, shall be legally bound to furnish the same in such manner and within such time as may be specified in the requisition for the information.

Service of notice.

46. (1) Any notice under this Act may be served on the person therein named either by post as a prepaid letter addressed to that person and registered under Part III of the Indian Post Office Act, 1866, or by the delivery or tender to him of a copy of the notice. XIV of 1866.

(2) If a notice is served by registered letter, it shall be presumed to have been served at the time when the letter would be delivered in the ordinary course of post, and proof that the letter was properly addressed and put into the post shall be sufficient to raise the presumption that the notice was duly served at that time.

(3) If the notice is to be served otherwise than by registered letter, the service shall, whenever it may be practicable, be on the person named in the notice, or in the case of a firm on some member thereof, or, in the case of a Hindu undivided family, on the manager of the joint estate of the family.

(4) But when the person, member or manager cannot be found, the service may be made on any adult male member of his family residing with him ; and if no such adult male member can be found, the serving officer shall fix the copy of the notice on the outer door of the house in which the person, firm or family therein named ordinarily resides or carries on business

Power to declare principal place of business or residence

47 (1) When a company or firm has several places of business in territories subject to different Local Governments, the Governor General in Council may declare which of those places shall, for the purposes of this Act, be deemed to be the principal place of business

(2) When a company or firm has several places of business in the territories subject to a single Local Government, that Government may declare which of them shall, for the purposes of this Act, be deemed to be the principal place of business

(3) When a person has several places of residence in the territories subject to different Local Governments, the Governor General in Council may declare which of those places shall, for the purposes of this Act, be deemed to be his residence

(4) When a person has several places of residence in the territories subject to a single Local Government, that Government may declare which of those places shall, for the purposes of this Act, be deemed to be his residence.

(5) The powers given by this section may be delegated to, and exercised by, such officers as the Governor General in Council or the Local Government, as the case may be, appoints in this behalf

Saving in favour of payers of pándhari and capitation taxes.

48 Where a person is in respect of any period liable to the tax under this Act he shall not in respect of that period be assessed to the pándhari tax levied in the Central Provinces under Act XIV of 1867, or to the capitation tax, or the land-rate in lieu thereof, levied in British Burma under the Burma Land and Revenue Act, 1876 II of 1876.

Indemnity

49 Every person deducting, retaining or paying any tax in pursuance of this Act or of any arrangement under section 9, sub section (2), in respect of income belonging to another person, is hereby indemnified for the deduction, retention or payment thereof

Powers exercisable from time to time

50. All powers conferred by, or conferable under this Act may be exercised from time to time as occasion requires

a place of residence elsewhere at which he is liable under this Act to be assessed, and who desires to be assessed at that place

Trustees and agents to furnish information as to beneficiaries and principals

42 An officer or person exercising all or any of the powers aforesaid may, by notice, require any person whom he has reason to believe to be a trustee, guardian, curator, committee or agent to deliver or cause to be delivered a statement of the names of the persons for or of whom he is trustee, guardian, curator, committee or agent

Trustees &c to furnish information as to income

43 An officer or person exercising all or any of the said powers may, by notice, require a trustee, guardian, curator, committee or agent, or a receiver or manager appointed by any Court in India, or a Court of Wards, Administrator General or Official Trustee, to furnish such returns of income liable to assessment under Part IV as may be prescribed

Obligation to furnish other information

44 An officer or person exercising all or any of the said powers may, at the instance of any person respecting whose assessment or the amount thereof any doubt exists require any person to furnish such information as he deems to be necessary for the purpose of ascertaining facts relevant to the assessment or its amount

Sections 176 and 177 of Penal Code to apply to requisitions for information

45. A person required to furnish any information under section 41, section 42, section 43, or section 44, shall be legally bound to furnish the same in such manner and within such time as may be specified in the requisition for the information

Service of notices

46 (1) A notice under this Act may be served on the person therein named either by a prepaid letter addressed to the person and registered under Part III of the Indian Post Office Act, 1866, or by the delivery or tender to him of a copy of the notice XIV o

(2) If a notice is served by registered letter, it shall be presumed to have been served at the time when the letter would be delivered in the ordinary course of post, and proof that the letter was properly addressed and put into the post shall be sufficient to raise the presumption that the notice was duly served at that time.

(3) If the notice is to be served otherwise than by registered letter, the service shall, whenever it may be practicable, be on the person named in the notice, or, in the case of a firm, on some member thereof, or, in the case of a Hindu undivided family, on the manager of the joint estate of the family.

(4) But when the person, member or manager cannot be found, the service may be made on any adult male member of his family residing with him ; and if no such adult male member can be found, the serving officer shall fix the copy of the notice on the outer door of the house in which the person, firm or family therein named ordinarily resides or carries on business

Power to declare principal place of business or residence.

47. (1) When a company or firm has several places of business in territories subject to different Local Governments, the Governor General in Council may declare which of those places shall, for the purposes of this Act, be deemed to be the principal place of business

(2) When a company or firm has several places of business in the territories subject to a single Local Government, that Government may declare which of them shall, for the purposes of this Act, be deemed to be the principal place of business

(3) When a person has several places of residence in the territories subject to different Local Governments, the Governor General in Council may declare which of those places shall, for the purposes of this Act, be deemed to be his residence

(4) When a person has several places of residence in the territories subject to a single Local Government, that Government may declare which of those places shall, for the purposes of this Act, be deemed to be his residence.

(5) The powers given by this section may be delegated to, and exercised by, such officers as the Governor General in Council or the Local Government, as the case may be, appoints in this behalf

Saving in favour of payers of pandhari and capitation taxes

48 Where a person is in respect of any period liable to the tax under this Act he shall not in respect of that period be assessed to the pandhari tax levied in the Central Provinces under Act XIV of 1867, or to the capitation tax, or the land rate in lieu thereof, levied in British Burma under the Burma Land and Revenue Act, 1876 II of 1[illegible]

Indemnity

49 Every person deducting, retaining or paying any tax in pursuance of this Act or of any arrangement under section 9, sub-section (2), in respect of income belonging to another person, is hereby indemnified for the deduction, retention or payment thereof

Powers exercisable from time to time

50 All powers conferred by, or conferable under this Act may be exercised from time to time as occasion requires

THE FIRST SCHEDULE.

Enactments repealed.

(See section 2.)

Acts of the Governor-General in Council.

Number and year	Short title	Extent of repeal
Act No II of 1878 . ..	The Northern India License Act, 1878	So much as has not been repealed
Act No. VI of 1880	The Indian License Acts Amendment Act 1880	The whole

Acts of the Governor of Fort St. George in Council.

Number and year	Short title.	Extent of repeal
Act No III of 1878	The Madras License Act, 1878 .. .	So much as has not been repealed
Act No. III of 1880	An Act to amend Madras Act III of 1878, as amended by Act VI of 1880	The whole

Act of the Governor of Bombay in Council.

Number and year	Short title	Extent of repeal
Act No III of 1878	The Bombay License Act, 1878	So much as has not been repealed

Act of the Lieutenant-Governor of Bengal in Council.

Number and year	Short title	Extent of repeal
Act No II of 1880	The Bengal License Act, 1880 .	The whole.

THE SECOND SCHEDULE

Sources of Income and Rates of Tax.

(See section 4.)

First column	Second column
Source of Income	Rate of Tax

PART I.

Salaries and Pensions.

1 Any salary annuity, pension or gratuity paid in British India to or on behalf of any person residing in British India or serving on board a ship plying to or from British Indian ports, whether on account of him self [illegible] authority established in the exercise of the powers of the Governor-General in Council in that behalf, to or on behalf of a British subject within the dominions of a Prince or State in India in alliance with Her Majesty	[illegible] per annum, or [illegible]es in the rupee [illegible]er annum, or [illegible]pee.

PART II.

Profits of Companies.

Profits of a company ...	Five pies in the rupee on the whole of the nett profits made in British India by the company during the year ending on the day on which the company's accounts have been last made up, or, if the company's accounts have not been made up within the year ending on the thirty first day of March in the year immediately preceding that for which the assessment is to be made, then on the whole of the nett profits so made during the year ending on the said thirty first day of March

THE SECOND SCHEDULE—*continued.*

FIRST COLUMN.	SECOND COLUMN.
Source of Income.	Rate of Tax.

PART III.

Interest on Securities.

Interest becoming due on or after the first day of April, 1886, and payable in British India, on— (*a*) promissory notes, debentures, stock or other securities of the Government of India (including securities of the Government of Ind[illegible] interest is payab[illegible] British India by dr[illegible] place in British In[illegible] (*b*) bonds or [illegible] charged by the Imperial Parliament on the revenues of India, or (*c*) debentures or other securities for money issued by or on behalf of a local authority or company.	Five pies in the rupee on such interest, unless the owner [illegible] be four pies in the rupee [illegible]

PART IV.

Other Sources of Income.

Any source of income not included in Part I, Part II or Part III of this schedule	(*a*) If the annual income is assessed at— not less than Rs [illegible] " " " [illegible] " " " [illegible] " " " [illegible] " " " [illegible] (*b*) If the annual income is assessed at Rs [illegible],000 or upwards—five pies in the rupee on the income

THE THIRD SCHEDULE

FORM OF PETITION

(*See section 25*)

TO THE COLLECTOR OF

The *day of* *188* .

The petition of *A. B* of

SHEWETH as follows—

1 —Under Act No II of 1886, your petitioner has been assessed in the sum of
rupees for the year commencing the first day of April, 188

2.—Your petitioner's income and profits accruing and arising from [*here specify petitioner's trade or other source or sources of income or profits, and the place or places at which such income or profits accrues or arise*] for the year ending the day of last were rupees [as will appear from the documents of which a list is presented herewith *]

3 —Such income and profits actually accrued and arose during a period of months and days [*here state the exact number of months and days in which the income and profits accrued and arose*]

4 —During the said year your petitioner had no other income or profits

Your petitioner therefore prays that he may be assessed accordingly [or that he may be declared not to be chargeable under the said Act]

(Signed) *A B*

Form of Verification

I, *A B*, the petitioner named in the above petition, do declare that what is stated therein is true to the best of my information and belief

(Signed) *A B*

* *These words are to be inserted if the petitioner relies on documents The list if the petitioner so wishes may be presented in a sealed envelope*

dismissal from the service in which they are employed, or provision for their wives or children after their death, or payments to their estate or their nominees upon their death, to which the servants of the Government, or of a Local Authority, or of a Railway Company, are alone admissible as subscribers or members, and the funds of which are either deposited with the Government or invested in Government Securities, and a Friendly Society is a Mutual Association established for the purpose of securing deferred annuities to the subscribers, or provision for their wives or children after their death, or payments to their estate or their nominees upon their death, and in which the payment which may be made in respect of any one nominee does not exceed either a single payment of Rs. 3,000 or an annual payment of Rs 500

Note —The East Indian Railway Savings Bank shall be deemed to be a Service Fund within the meaning of this clause.

(B) to rule—

(9) that a claim to exemption preferred under section 5, sub section (1), clause (*g*), of the Act on that portion of income taxable under Part I of the second Schedule of the Act which is paid as a premium to an Insurance Company shall not be entertained if the claim is made after the expiration of six months from the last day of the financial year during which the premium was paid,

(10) that officers and men of the Indian Marine Service shall not for the purposes of section 5, sub section (1), clause (*i*), of the Act be treated as belonging to Her Majesty's Indian Forces, and

(11) that for the purposes of the Act—

(*a*) the tentage allowance included in the pay and Indian allowances of an officer in military employ under Article 748 of the Army Regulations, India, Vol I, Part I, shall be deemed to be salary, unless the officer has provided and has in his possession the camp equipage of his rank in a serviceable condition,

(*b*) the horse allowance shown as included in the consolidated or staff pay of the several appointments specified in Article 91 of the Army Regulations, India Vol I, Part I, shall be deemed to be salary, unless the officer has provided and actually maintains the number of *bonâ fide* chargers prescribed for his rank.

(3) the official allowance which an Agent of a Prince or State in India in alliance with Her Majesty, who has been duly accredited to represent the Prince or State for political purposes in any place within the limits of British India, receives as such Agent in British India from the Prince or State,

(4) any capital sum paid in commutation of the whole or a portion of a pension,

(5) so much of the income of a person as is derived solely and directly from the production of indigo or the preparation thereof for the market provided that nothing in this clause shall be constructed to affect section 5 sub-section (2), of the Act with respect to the liability of an officer or servant of a person to whom this clause applies,

(6) such portion of any person's income as is paid to any Service Fund, Mutual Benefit Fund, Friendly Society, or other legally established association, not being a company within the meaning of section 3, sub section (2), of the Act, in respect of an insurance or deferred annuity on his own life or on the life of his wife, in the same way as if the payment were made to an Insurance Company,

(7) such portion of the income of any person in the service of the Government, or of any Local Authority, or of any Railway Company as is paid into any Provident Fund established under the authority, or with the permission, of the Government, and as is not repayable to him at his option so long as he remains in such service

Provided that the amount of income exempted under No (6) and No (7), together with the amount exempted under section 5, sub-section (1), clause (*g*), of the Act, shall not exceed one-sixth of the whole income in respect of which the person would, but for these exemptions, be liable,

(1) Interest on securities which are held by, or are the property of, a Service Fund or a Friendly Society, as defined below—

For the purposes of this exemption, a Service Fund is a fund established under the authority, or with the permission, of Government for the purpose of securing deferred annuities to the subscribers, or payments to them in the event of their resignation of or

dismissal from the service in which they are employed, or provision for their wives or children after their death, or payments to their estate or their nominees upon their death, to which the servants of the Government, or of a Local Authority, or of a Railway Company, are alone admissible as subscribers or members, and the funds of which are either deposited with the Government or invested in Government Securities, and a Friendly Society is a Mutual Association established for the purpose of securing deferred annuities to the subscribers, or provision for their wives or children after their death, or payments to their estate or their nominees upon their death, and in which the payment which may be made in respect of any one nominee does not exceed either a single payment of Rs 3,000 or an annual payment of Rs 500.

Note—The East Indian Railway Savings Bank shall be deemed to be a Service Fund within the meaning of this clause.

(B) to rule—

(9) that a claim to exemption preferred under section 5, sub section (1), clause (*g*), of the Act on that portion of income taxable under Part I of the second Schedule of the Act which is paid as a premium to an Insurance Company shall not be entertained if the claim is made after the expiration of six months from the last day of the financial year during which the premium was paid,

(10) that officers and men of the Indian Marine Service shall not for the purposes of section 5, sub section (1), clause (*i*), of the Act be treated as belonging to Her Majesty's Indian Forces, and

(11) that for the purposes of the Act—

(*a*) the tentage allowance included in the pay and Indian allowances of an officer in military employ under Article 748 of the Army Regulations, India, Vol I, Part I, shall be deemed to be salary, unless the officer has provided and has in his possession the camp equipage of his rank in a serviceable condition,

(*b*) the horse allowance shown as included in the consolidated or staff pay of the several appointments specified in Article 91 of the Army Regulations, India Vol I, Part I, shall be deemed to be salary, unless the officer has provided and actually maintains the number of *bonâ fide* chargers prescribed for his rank.

No 2763 —In exercise of the powers conferred upon him by Act II of 1886, and of all other powers enabling him in this behalf and in supersession of the Notifications in the Department of Finance and Commerce,—

No 593, dated the 5th February, 1886,
" 674, " " 7th May, 1886,
" 2635, " " 19th August, 1886,
" 3138, " " 30th September, 1886,
" 2303, " " 5th May, 1887,
" 4678, " " 31st August, 1887,

the Governor General in Council is pleased to make the following rules under the said Act —

1. The time within which amounts deducted from salary, annuity, pension, or gratuity paid by a Local Authority under section 8, sub section (1), of the Act must be paid to the credit of the Government of India is fixed at one week from the date of payment of the salary, pension, annuity or gratuity The payment to the credit of the Government shall be made by remitting the amount to the Collector with a statement giving the following particulars for each person from whom the tax has been realised

(1) Name
(2) Period for which the salary, pension, or annuity has been paid.
(3) Amount of salary, pension, annuity, or gratuity paid.
(4) Amount of tax

2 The return required by section 10 of the Act shall be in Form A hereto appended

The name of any person who is receiving, at the date of the return prescribed by section 10 of the Act, a salary, pension, or annuity which does not amount to Rs 500 per annum, or has received during the year ending on that date a gratuity which does not amount to that sum, need not be shown in the return

3 Any sums, such as payments to regimental mess or band funds or the like, compulsorily stopped from salary by the orders, or with the approval, of the Government, shall be deducted from the salary previous to assessment.

A portion of salary withheld in pursuance of an order of a Court is not a sum compulsorily stopped from salary within the meaning of this rule.

4. When a deduction is made from the amount of salary, pension, or annuity liable to assessment on account of a payment made to a Life Insurance Company, the sum deducted shall, if the premium is payable in sterling, be the actual cost of remittance as stated by the assessee, or, if the

assessee is unable to state such actual cost, the equivalent in rupees of the sterling payment calculated at the official rate of exchange for the year in which the deduction is made.

5 A deduction such as is mentioned in the preceding rule must be supported either—

(1) by the original receipt of the Insurance Company, or

(2) (in the case of a deduction claimed by a servant of the Government or of a Local Authority) by a copy of the same presented together with the original, to the officer who pays the salary, pension, or annuity, and attested by that officer, who should after such attestation, return the original, or

(3) by a duplicate receipt given by the Insurance Company, or

(4) by a certificate of payment given by the Insurance Company

In cases (1), (3), and (4), the receipt or certificate should be returned as soon as the fact of payment is admitted in the due course of audit

Where the Collector is satisfied that none of the above prescribed documents can be produced without an amount of delay, expense, or inconvenience which, under the circumstances of the case, would be unreasonable, he may accept such other proof of payment of the premium as he may deem sufficient.

6. The amounts exempted from the tax by section 5, sub-section (1), clause (*g*), of the Act, and referred to in rule 4 of these rules, shall not be deducted from income for the purpose of determining whether the income is liable to the tax, or of determining under Part I of the second Schedule of the Act the rate at which the tax shall be levied

7 The amount to be assessed under section 24, sub-section (1), of the Act on account of a building occupied by the owner thereof shall not in any case exceed 10 per cent of the aggregate income of the owner derived from all sources It must not, however, be understood from this that a maximum of 10 per cent of the aggregate income of the owner is to be assumed in every case as equivalent to the letting-value of his house The letting value should in all cases be ascertained on the best data available in view of the circumstances of the locality in which the house is situated

8 After the close of the year of assessment, each Accountant-General or other auditing officer shall submit Return No I, in the form hereto appended, to such officer as the Local Government may direct.

9 The certificates referred to in the second column of Part III of the second Schedule of the Act shall be in Form B or in Form C hereto appended.

10 Any claim under section 5, sub-section (1), clause (e), of the Act to exemption from the levy of the tax on the interest of securities employed solely for religious or public charitable purposes within the meaning of that clause must be supported by a certificate from the Collector, which shall be in Form D hereto appended.

11 In the case of securities the interest on which is payable by the Government of India, the amount deducted on account of the tax under section 13, sub section (1), of the Act shall be paid to the credit of the Government on the same day as the payment of the interest is made

12. In the case of securities the interest on which is not payable by the Government of India the amount so deducted shall be paid to the credit of the Government within one week from the date on which interest is paid The person deducting the amount should pay it to the credit of the Government by remitting the amount to the Collector, with a statement showing the following particulars.—

(1) Name of owner
(2) Description of security.
(3) Number of security.
(4) Date of security
(5) Amount of security.
(6) Period for which interest is drawn.
(7) Amount of interest.
(8) Amount of tax.

13 After the close of the year of assessment, each Accountant-General and Comptroller shall submit Return No 11, in the form hereto appended, to such officer as the Local Government may direct

14 In calculating the amount of tax payable, the amount due on a fraction of a rupee shall be neglected Thus the tax to be realised on a monthly salary of Rs. 166 10 8 is Rs. 4 5-2 only.

15 All public servants are forbidden to make public or disclose, except for the purpose of the working of the Act, any information contained in documents delivered or produced with respect to assessments under Part IV of the second Schedule of the Act, and any public servant committing a breach of this rule shall be deemed to have committed an offence under section 166 of the Indian Penal Code

All public servants are further enjoined to be most careful to regulate their proceedings as far as practicable in such manner as to prevent information which should be kept secret from becoming known It should be noted that information of this nature is to be withheld by officers administering the Act from persons in the employment of assessees.

16 Power to make further rules is hereby delegated to the several Local Governments, and no rules already made by Local Governments, under authority given by the Governor-General in Council, shall be deemed to be cancelled by the supersession of any of the notifications quoted in the present Notification

17 Each Local Government will prescribe forms of registers to be maintained by Collectors and others for the purpose of showing the demand and collections of the tax, the various classes of incomes assessed, and the working of the several provisions of the Act.

18 After the close of the year of assessment, each Local Government will submit to the Government of India in the Finance and Commerce Department a report on the working of the Act.

19 The following returns in the forms hereto appended will be submitted with that report —

Return I } as received from the Accountant General or Comptroller, or other auditing officer.
" II }
" III
" IV
" V
and " VI

FORM A.

(RULE 2.)

Return made by the Principal Officer of every Local Authority, Company, Public Body, or Association under Section 10 of Act II of 1886.

DESIGNATION OF { Local Authority, Company, Public Body, or Association.

Name of employé, pensioner, annuitant, or receiver of gratuity.	Address	Salaries.			Pensions or Annuities.		Gratuities.	
		Employment.	Rate of salary.	Dates on which payable.	Rate of pension or annuity.	Dates on which payable.	Amount.	Dates on which paid.

FORM B.

(RULE 3.)

I , Collector of , do hereby certify that the income of [*name*] owner of the security/securities specified below, including the interest on that security/those securities, but excluding income from agriculture, is less than Rs. 500 a year.

Dated

Collector of

Description of Security.	Number.	Date.	Amount.

FORM C.

(RULE 9)

I , Collector of , do hereby certify that the income of [*name*] owner of the $\frac{\text{security}}{\text{securities}}$ specified below, including the interest on $\frac{\text{that security}}{\text{those securities}}$, but excluding income from agriculture, is less than Rs 2,000 a year.

Dated

Collector of

Description of Security	Number	Date	Amount.

FORM D.

(RULE 10)

I , Collector of , do hereby certify that the interest on the $\frac{\text{security}}{\text{securities}}$ specified below, standing in the name of , is employed solely for $\frac{\text{religious}}{\text{public charitable}}$ purposes.

Dated

Collector of

Description of Security	Number	Date	Amount.

RETURN No. I.

(RULES 8 AND 19)

Statement showing the Collections of the Tax under Act II of 1886 from Salaries, Pensions, Annuities, and Gratuities paid by the Government in the year 189 .

Class.	Income	PAID BY THE GOVERNMENT								Remarks
		Salaries		*Pensions and Annuities*		*Gratuities*		*Total*		
		Number of assessees.	Amount of tax.	Number of assessees	Amount of tax	Number of assessees.	Amount of tax	Number of assessees	Amount of tax.	
1	2	3	4	5	6	7	8	9	10	11
	Rs. Rs.		Rs		Rs		Rs.		Rs.	
I	500 but less than 750 ...									
II	750 " " 1,000 .									
III	1,000 " " 1,250 .									
IV	1,250 " " 1,500 ..									
V	1,500 " " 1,750 .									
VI	1,750 " " 2,000									
	Total I to VI									
VII	2,000 but less than 2,000 ..									
VIII	2,500 " " 5,000									
IX	5,000 " " 10,000 .									
X	10,000 " " 20,000 .									
XI	20,000 " " 30,000 ..									
XII	30,000 " " 40,000 .									
XIII	40,000 " " 50,000 .									
XIV	50,000 " " 1,00,000 ..									
XV	1,00,000 and more									
	Total VII to XV ...									
	Grand Total									

RETURN No. II.

(RULES 13 AND 19)

Statement showing the Collections of the Tax under Act II of 1886 *from interest on securities in the year* 189 .

Class.	Rate of Tax.	Securities of the Government of India		Bonds or Debentures charged by Parliament on the Revenues of India		Securities of Local Authority or Company		Total.		Remarks.
		Amount of securities	Amount of tax	Amount of securities	Amount of tax.	Amount of securities.	Amount of tax	Amount of securities	Amount of tax	
1	2	3	4	5	6	7	8	9	10	
I to VI	At 4 pies in the Rupee .									
VII to XV	At 5 pies in the Rupee . ..									
	Total ..									

RETURN No. III.

(RULE 19.)

Statement showing the Collections of the Tax under Act II of 1886 *in the year* 189 .

Class	Amount of Income.	Salaries, Pensions, Annuities and Gratuities paid by the Government.		Salaries, Pensions, Annuities and Gratuities paid by Local Authorities.		Salaries &c., paid by the Companies, Public Bodies, Associations, and Private employers. Tax levied under				Profits of Companies.		Interest on Securities.	Other Sources of Income.		Total Collection of Tax		Penalties by Collector	Fines by Magistrate	Total of 17, 18, and 19	Refunds.	Net Collections.	Remarks.
		Number of assessees.	Amount of tax.	Number of assessees.	Amount of tax.	Section 9 (1): Number of assessees.	Section 9 (1): Amount of tax.	Section 9 (2): Number of assessees.	Section 9 (2): Amount of tax.	Number of assessees.	Amount of tax.	Amount of tax.	Number of assessees.	Amount of tax.	Number of assessees.	Amount of tax.						
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
	Rs. Rs.		Rs.		Rs.		Rs.		Rs.		Rs.	Rs.		Rs.		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	
I	500 but less than 750																					
II	750 " " 1,000																					
III	1,000 " " 1,250																					
IV	1,250 " " 1,500																					
V	1,500 " " 1,750																					
VI	1,750 " " 2,000																					
	Total I to VI ...																					
VII	2,000 but less than 2,500																					
VIII	2,500 " " 5,000																					
IX	5,000 " " 10,000																					
X	10,000 " " 20,000																					
XI	20,000 " " 30,000																					
XII	30,000 " " 40,000																					
XIII	40,000 " " 50,000																					
XIV	50,000 " " 1,00,000																					
XV	1,00,000 and more ...																					
	Total VII to XV ...																					
	Grand Total ...																					

RETURN No. IV.

(RULE 19)

Statement showing the Original and Final Demands and Uncollected Balances of sums due under Act II of 1886 in the year 189 .

PART OF THE ACT UNDER WHICH THE INCOME IS ASSESSED	Original Demands		Revision by Collectors		Division by Commissioner		Final Demand		Penalties by Collector		Fines by Magistrate		Arrears of previous year	Total of columns 11, 13 and 14	Collections					Balance	REMARKS
	Number of assessees	Amount of tax	Number of petitions or objections	Demand after disposal	Number of petitions or objections	Demand after disposal	Number of assessees	Amount of tax	Number	Amount	Number	Amount	Amount		Tax	Penalties	Fines	Arrears	Total		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
Chapter III A & Part I, Schedule II																					
Chapter III B & Part II, Schedule II.																					
Chapter III C, & Part III, Schedule II																					
Chapter III D & Part IV, Schedule II																					
TOTAL ..																					

RETURN

(Rule

Classified Statement of the Incomes on which the Tax was

Sources of Income			I. Rs 500–750. No.	I. Amount.	II Rs 750–1,000 No.	II Amount.	III Rs 1,000–1,250 No.	III Amount.
				Rs.		Rs.		Rs.
Part I.—(Salaries).	(a) Paid by Govt.	Salaries						
		Pensions, &c						
		Gratuities						
		Total (a)						
	(b) By Local Authorities	Salaries						
		Pensions, &c						
		Gratuities						
		Total (b)						
	(c) By Companies, &c.	Managers, &c						
		Inspectors						
		Clerks						
		Shopmen						
		Others						
		Total (c)						
		GRAND TOTAL						
Part II.—(Companies).		Banking						
		Brewing						
		Cotton Spinning, &c						
		Gas						
		Hotel						
		Ice						
		Insurance, Fire						
		Ditto Life						
		Ditto Marine						
		Land						
		Press						
		Railway						
		Shipping &c.						
		Telegraph and Telephone						
		Trading						
		Tramway						
		Miscellaneous						
		Total II						
[illegible]		Securities of Government						
		[illegible]						
		[illegible]						
		Total III						
Part IV.—(Other Sources).	(a) Professional.	1 Religion						
		2 Education						
		3 Fine Arts						
		4 Barristers, &c.						
		5 Other Legal Practitioners						
		6 Medicine						
		7 Engineering						
		8 Other Professions						
		Total (a)						
	(b) Commerce	Agents						
		Brokers						
		Contractors						
		Bankers						
		Money-lending and exchanging						
		Western Merchants						
		Live-stock dealers						
		Grain do						
		Salt do						
		Other do						
		Total (b)						

No V.

19)

collected for the year 189 . *in*____________________

IV Rs. 1,250—1,500.		V Rs. 1,500—1,750		VI. Rs. 1,750—2,000		Total I—VI		VII Rs. 2,000—2,500		VIII Rs. 2,500—5,000	
No.	Amount	No.	Amount.	No.	Amount	No.	Amount	No.	Amount	No.	Amount
	Rs.		Rs.		Rs.		Rs.		Rs.		Rs.

RETURN

(Rule

Classified Statement of the Incomes on which the Tax was

Sources of Income	IX. Rs. 5,000—10,000 No.	IX. Amount	X. Rs. 10,000—20,000 No.	X. Amount	XI. Rs. 20,000—30,000 No.	XI. Amount
		Rs.		Rs.		Rs.
Part I.—(Salaries.) (a) Paid by Govt.						
Salaries ...						
Pensions, &c.						
Gratuities ...						
Total (a)						
(b) By Local Authorities						
Salaries ...						
Pensions, &c. ...						
Gratuities						
Total (b)						
(c) By Companies, &c.						
Managers, &c.						
Inspectors						
Clerks						
Shopmen						
Others ...						
Total (c)						
GRAND TOTAL						
Part II.—(Companies.)						
Banking						
Building						
Cotton Spinning, &c.						
Gas						
Hotel						
Ice						
Insurance Fire ...						
Ditto Life ...						
Ditto Marine						
Land						
Press						
Railway						
Shipping, &c.						
Telegraph and Telephone						
Trading						
Tramway						
Miscellaneous ...						
Total II						
Part III.—(Securities.) From Return II						
Securities of Government of India						
Securities secured by Parliament on the revenues of India						
Securities of Local Bodies						
Securities collected in District						
Total III.						
Part IV.—(Other Sources.) (a) Professions.						
1. Religion ...						
2. Education						
3. Fine Arts						
4. Barristers, &c.						
5. Other Legal Practitioners						
6. Medicine						
7. Engineering						
8. Other Professions ...						
Total (a)						
(b) Commerce						
Agents ...						
Brokers ...						
Contractors						
Bankers						
Money lending and changing						
General Merchants						
Piece-goods do.						
Grain do.						
Salt do.						
Other do.						
Total (b)						

No V.—*continued.*

19)

collected for the year 189 , in ——————

XII Rs 30 000—40 000		XIII. Rs 40 000—50 000		XIV Rs 50 000—1 00 000		XV Rs 1 00 000 & over		Total VII —XV		GRAND TOTAL	
No	Amount	No	Amount.	No	Amount	No	Amount	No.	Amount.	No	Amount
	Rs.		Rs.		Rs		Rs		Rs		Rs

RETURN

(Rule

Classified Statement of the Incomes on which the Tax was

	Sources of Income.	I. Rs 500—750 No	I. Amount	II. Rs 750—1,000 No	II. Amount	III. Rs 1,000—1,250 No	III. Amount
			Rs		Rs		Rs
Part IV —(Other Sources)—contd. (c) Transport, &c.	Cart and carriage builders						
	Cart and carriage owners						
	Livery stable keepers						
	Ship and boat owners						
	Hotel and inn keepers						
	Total (c)						
(d) Trade	Dealers in animals						
	Do. agricultural produce						
	Do animal and vegetable substances (not food)						
	Do. food						
	Do. books and stationery						
	Do building materials						
	Do fuel						
	Do furniture						
	Do metals &c						
	Do. precious stones &c						
	Do. salt						
	Do spirits &c						
	Do. opium						
	Do dress, &c						
	Do other articles						
	Total (d)						
(e) Manufacture.	Cotton goods						
	Builders						
	Artisans						
	Indigo						
	Metals &c						
	Silk						
	Spirits &c						
	Sugar						
	Woollen goods						
	Others						
	Total (e)						
(f) Property	House proprietors						
	Newspaper proprietors						
	Printing Press proprietors						
	Taxable estate-holders						
	Total (f)						
	ABSTRACT						
	I.—Salaries						
	Paid by Government						
	Others						
	II.—Companies.						
	III.—Securities						
	Head Office						
	Other Treasuries						
	IV —Other Sources						
	Total, excluding Returns I and II						
	GRAND TOTAL						

No V—*continued*

19)

collected for the year 189 *in*———————

IV Rs. 1,250—1,500.		V Rs. 1,500—1,750		VI Rs. 1,750—2,000		Total I—VI		VII Rs 2,000—2,500		VIII Rs 2,500—5,000	
No	Amount.	No	Amount.	No	Amount	No	Amount	No	Amount	No	Amount
	Rs.		Rs.		Rs.		Rs.		Rs.		Rs.

RETURN

(Rule

Classified Statement of the Incomes on which the Tax was

	Sources of Income	IX. R 5,000—10,000 No	IX. Amount	X. R 10,000—20,000 No	X. Amount	XI. R 20,000—30,000 No	XI. Amount
			Rs		R		Rs
PART IV —(Other Sources)—*contd.* (c) Transport, &c.	Cart and carriage builders ..						
	Cart and carriage owners						
	Livery stable keepers ..						
	Ship and boat owners						
	Hotel and inn keepers						
	TOTAL (c)						
(d) Trade	Dealers in animals						
	Do agricultural produce						
	Do animal and vegetable substances (not food)						
	Do food						
	Do books and stationery						
	Do building materials						
	Do fuel						
	Do. furniture						
	Do metals &c						
	Do precious stones &c						
	Do salt						
	Do spirits &c.						
	Do. opium						
	Do. dress, &c ..						
	Do other articles						
	TOTAL (d)						
(e) Manufacture	Cotton goods ..						
	Builders						
	Artisans						
	Indigo						
	Metals, &c						
	Silk						
	Spirits &c ..						
	Sugar						
	Woollen goods ..						
	Others						
	TOTAL (e)						
(f) Property	House proprietors ..						
	Newspaper proprietors						
	Printing Press proprietors						
	Taxable estate holders ..						
	TOTAL (f) ..						
	ABSTRACT						
	I —SALARIES						
	Paid by Government ..						
	Others ..						
	II —COMPANIES						
	III —SECURITIES						
	Head Office						
	Other Treasuries						
	IV —OTHER SOURCES						
	TOTAL, excluding Returns I and II						
	GRAND TOTAL ..						

No V.—*continued.*

19.)

collected for the year 189 , *in* ____________________

XII Rs. 30,000—40,000		XIII Rs. 40,000—50,000		XIV Rs. 50,000—1,00,000		XV Rs. 1,00,000 & over		Total. VII—XV.		GRAND TOTAL.	
No.	Amount.	No.	Amount	No.	Amount	No.	Amount	No.	Amount.	No.	Amount.
	Rs.		Rs.		Rs.		Rs.		Rs.		Rs.

RETURN No. VI.

(RULE 19.)

Statement of Expenditure incurred in the Assessment and Collection of the Tax under Act II of 1886, in the year 189 .

HEAD.	Amount	REMARKS
1	2	3
Establishment		
Travelling Allowance		
Contingencies		
TOTAL ...		

([1]) *No 221-687, dated Abu, the 12th March* 1886

Under Section 40, Act II of 1886, the Chief Commissioner is pleased to appoint the Assistant Commissioner, Ajmere, to exercise and perform all the powers and duties conferred and imposed by the said Act on a Collector within and for the Ajmere-Merwara District

([2]) *No 282-687, dated the 23rd March* 1886.

In exercise of the powers conferred by Section 40, Act II of 1886, the Chief Commissioner is pleased, with effect from 1st April 1886, to empower the Assistant Commissioner, Merwara, the Deputy Magistrate, Kekri, to exercise and perform, in the Ajmere Merwara District, all the powers and duties conferred or imposed on a Collector by Sections 41, 42, 43, and 44 of the Act and by the rules made under the Act

([3]) *No. 4135-I., dated the 16th September* 1887.

In exercise of the powers conferred by Section 4) of Act II of 1886 (the Income-Tax Act, 1886), the Governor-General in Council is pleased to invest each of the Political Officers named below with the powers of a Collector under the said Act for the purpose of granting certificates in respect of interest on Government Securities in Forms **B C** and **D**, prescribed in Rule 9 of the notification issued by the Government of India, in the Department of Finance and Commerce, No. 593, dated the 5th February, 1886, ([4]) when such securities are held by persons residing outside of British India —

(1) The Resident in Nepal.

(2) The Resident in Kashmir.

(3) The Political Resident in Turkish Arabia.

(4) The First Assistant to the Resident at Hyderabad

(5) The Assistant to the Resident in Mysore

(6) The First Assistant to the Agent to the Governor-General in Central India

(7) The Resident at Gwalior.

(8) The Political Agent in Bhopal.

(9) The Political Agent in Bighelkhand and Superintendent of the Rewah State.

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[1] Gazette of India, Part II, dated the 20th March 1886, page 148

[2] Do do 27th March 1886, page 160.

[3] See Gazette of India, 1887, Part I, page 465

[4] See now Notification No 2763, dated the 6th June 1890, printed p 382, *supra*

(10) The Political Agent in Budelkhand
(11) The Political Agent in Bhopawar
(12) The First Assistant to the Agent to the Governor-General in Rajputana
([1]) (13) The Resident in Jaipur.
(14) The Resident in the Western States of Rajputana
(15) The Resident in Meywar
(16) The Political Agent in Alwar.
(17) The Political Agent in Kotah
(18) The Political Agent in Jhallawar
(19) The Political Agent in Bickaneer
(20) The Political Agent in Harowtee and Tonk
(21) The Political Agent in the Eastern States of Rajputana.
(22) The First Assistant to the Agent to the Governor General at Baroda
(23) The First Assistant to the Agent to the Governor-General in Baluchistan
(24) The Political Agent, Quetta.
(25) The Political Agent, Zhob
(26) The Political Agent, Kalat and Bolan Pass
(27) The Political Agent in South Eastern Baluchistan
(28) The Political Agent, Loralai and Railway District
(29) The First Assistant to the Political Resident in the Persian Gulf
(30) The Political Agent at Muscat.

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[1] As amended by Notification No 1269 I dated the 22nd March 1889 in Gazette of India 1889, Part I, page 172

RESOLUTION

Simla, the 6th May 1886

No 632 —The Governor-General in Council is pleased to rule that when a deduction is made under Section 5 (1) (*g*) of Act II of 1886 from the amount of income liable to the tax imposed by the said Act on account of the payment of a Life Insurance premium, the amount deducted shall, if the premium is payable in sterling, be the actual cost of remittance as stated by the assessee

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Ordered, that this Resolution be communicated to all Local Governments and Administrations, to the Comptroller and Auditor-General, and to all Accountants General and Comptrollers

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No 810

To

THE SECRETARY TO THE GOVERNMENT OF BOMBAY,

FINANCIAL DEPARTMENT

Simla the 20th May 1886

SIR,

I am directed to acknowledge the receipt of your letter No 996, dated the 7th April 1886, requesting the instructions of the Government of India on the following questions in connection with the income tax to be levied under Act II of 1886 —

(*a*) Is the recipient of a salary, under Part I of Schedule II to the Act, to be questioned as to his other income in order to determine whether he is liable to the tax, or are all salaries, &c, to be exempt if they are less than Rs $\frac{500}{12}$ a month, irrespective of other income ?

(*b*) Is a person whose monthly salary is Rs $\frac{500}{12}$ or more, but whose total income in the year from all sources is, owing to absence on leave, less than Rs 500 for the year, entitled to claim a refund of the tax deducted from salary in the months in which he drew it in full? If so how should the refund be made seeing that there is no provision in the Act for refunds under Part I?

(*c*) If the full monthly salary is Rs $\frac{500}{12}$ or upwards, but the salary claimable in any month is less than Rs $\frac{500}{12}$ is the salary for that month exempt from reduction under section 7 as not liable to tax?

(*d*) If a person receives salary less than Rs $\frac{500}{12}$ a month, and also has other income less than Rs 500 a year, but the salary and income together are Rs 500 or upwards, is the salary exempt from tax under Part I, and the other income exempt under Part IV, so that the person escapes altogether? If not, how is he to be taxed?

2 In reply, I am to state as follows —

(*a*) Salary less than Rs $\frac{500}{12}$ a month is liable to the tax if the recipient has other income coming under Parts II, III or IV, which brings the total income up to Rs 500 or more The person paying the salary should not, however, question the recipient as to his other income He should deduct the tax solely with reference to the month s salary, unless the Collector brings to his notice that the recipient has other income

(*b*) In the circumstances described in paragraph 1 (*b*) the person will be entitled to claim refund at the end of the year of the amount of tax deducted from his monthly salary In order to obtain refund he should, after the close of the year, apply to the Collector stating—

(i) his total income in the year, giving detail of the several sources,

(ii) the amounts deducted from his salary in any month of the year.

The Collector, if satisfied that the total annual income is under Rs 500, will declare the applicant entitled to refund of the amount deducted, and the amount will be paid like an ordinary refund The Local Government may, if it considers necessary, prescribe a form on which the *Collector's certificate can be given and the refund paid*

(*c*) If the salary drawn in any month is less than Rs $\frac{500}{12}$ deduction need not be made on account of the tax on the ground, that the salary of other months has been or will be such as to bring the salary of the year up to Rs 500 The tax on salary should be *deducted with reference to the salary of each month separately* *

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* The orders contained in paragraph (*c*) of letter No 810 dated the 20th May 1886 of the Government of India in the Department of Finance and Commerce that income tax on salary should be deducted with reference to the salary of each month separately are intended to mean that deduction shall not be made if the salary is less than Rs 41 10 8 for each month separately)

(*Finance Department letter No 41*[illegible] *dated the 22nd August 1887, to the address of the Secretary to the Government of Bombay*)

(*d*) In the case described in paragraph 1 (*d*) the salary under Part I, is liable to the tax, while the other income under Part IV is not liable, as stated by the Advocate-General As to the levy of the tax under Part I I am to refer you to (*a*) of this paragraph

3 It is observed from paragraph 1 of your letter, that the Government of Bombay proposes to embody the orders in the present case in a rule to be issued under Section 38 of the Act I am directed to say, that the Governor General in Council is of opinion that it will be better not to embody these orders in a rule having the force of law Effect may be given to them by executive instructions

Copy forwarded to the other Local Governments and Administrations, to the several Departments of the Government of India, to the several Accountants-General and Comptrollers to the Comptroller of India Treasuries, the Comptroller and Auditor General to the Director-General of the Post Office of India the Commissioner, Northern India Salt Revenue, the Mint Masters Calcutta and Bombay, the Head Commissioner of Paper Currency and the Superintendent of Government Printing

RESOLUTION No 902

Simla, the 25th May 1886

READ—

Letter No 236, dated 30th April 1886 from the Manager, Eastern Bengal State Railway, enquiring, with reference to Section 5 (1) (*a*) of Act II of 1886, whether the amount of a premium paid to a Life Insurance Company, should be deducted from the salary of one month or by instalments from the salaries of the several months included in the period of risk covered by the payment of the premium

RESOLUTION —The deduction should be made in one sum from the salary bill, to which the receipt for the premium is attached

ORDER —Ordered, that this Resolution be communicated to the several Departments of the Government of India, to officers under the Department of Finance and Commerce, to all Local Governments, and all Accoutants-General and Comptrollers

Gazette of India, dated 29th May 1886, Para I.—Page 351
The 28th May 1886.

No 989.—*Resolution*—By the Government of India, Department of Finance and Commerce

Read—

Rule 16* of the Rules published with Financial Notification No 593, dated the 5th February, 1886, prohibiting all public servants from making public or disclosing, except for the purpose of the working of Act II of 1886, any information contained in the documents delivered or produced with respect to assessments under Part IV of the said Act, and declaring that any public servant committing a breach of this Rule shall be deemed to have committed an offence under section 166 of the Indian Penal Code

Resolution—The Government of India invites the special attention of all officers concerned with the working of Act II of 1886 to the Rule read in the preamble, and further directs that all officers engaged in working the Act shall not merely not disclose any information of the character above referred to, but shall be most careful, as far as practicable, to regulate their proceedings in such manner as to prevent information which should be kept secret becoming known Information of this nature, it should be precautionally noted, is to be withheld by officers enforcing the Act from persons in the employment of assessees

ORDER—Ordered, that the above Resolution be communicated to the several Local Governments and administrations, and that it be published in the *Gazette of India* for general information

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To

THE SECRETARY TO THE GOVERNMENT OF MADRAS,
REVENUE DEPARTMENT.
Simla, the 9th June 1886

No. 1166.

SIR,

I am directed to acknowledge the receipt of your communication No 320-A, dated the 5th May 1886, referring for orders the following questions in connection with the tax to be levied under Act II of 1886 —

(*a*) Where a public servant holding a permanent appointment of Rs 41-10-8 or more per mensem has paid the tax on his

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* Vide rule 15 of the Rules published under Notification No 2763 dated 6th June 1886 See p 392 ante

salary for the first few months of the year, and is subsequently degraded to a lower appointment, and the aggregate salary drawn by him for the year falls below the minimum of Rs. 500, is the tax already levied to be refunded to him on application?

(b) In the case of servants whose services are lent to Court of Wards or public bodies, is the tax to be levied on the gross pay, or on the net amount after deducting pensionary contributions?

2. As regards (a), I am to refer you to paragraph 2 (b) of the letter from this Department, No 810, dated the 20th May 1886, to the Government of Bombay, a copy of which was forwarded to the Government of Madras.

3. As regards (b), I am to state that the tax should be levied on the net and not on the gross salary.

Copy forwarded to all Local Governments and Administrations; the several Departments of the Government of India, the Comptroller of India Treasuries, and the several Accountants-General and Comptrollers.

Orders by the Chief Commissioner of Ajmere-Merwara.

NOTIFICATION.

Dated Abu, the 22nd July 1886.

† No 7/37.—In exercise of the powers conferred upon him by Act II of 1886, and by the Notification of the Government of India, in the Department of Finance and Commerce No. 593*, dated the 5th February 1886, the Chief Commissioner of Ajmere-Merwara is pleased to make the following rules under the said Act.—

1 In making arrangements under Section 9, Sub-Section (2), of the Act for the recovery on behalf of Government by any company, public body, association, or private employer, of the tax to which any person employed by such company, public body, association, or private employer, is liable the Collector may—

(a) agree to pay to the company, public body, association, or private employer, as the case may be, by way of remuneration, any sum not exceeding five per cent. of the tax to which the person employed is liable,

* Superseded by No 2703, dated 6th June 1890 *See p* 382, *supra*.
† *Vide* page 450 of the *Gazette of India*, Part II, dated 31st July 1886

(b) provide that the sums recovered by the company, public body, association, or private employer as aforesaid, shall be delivered to him (the Collector), together with a statement showing the amount deducted from the salary of each employé for each month, at such time and place as he (the Collector) may direct Payments may be made either monthly or by instalments which shall in no case exceed four in number, provided that the last instalment does not fall due later than the 1st March each year.

2. The Officer whose duty it is to disburse salaries, annuities, pensions or gratuities of a local authority shall within one week from the date of such payment deliver to the Collector a detailed statement showing (1) the amount of gross payments liable to the tax, (2) the amount of tax deducted by him, and (3) the date of payment into the Treasury together with a receipt for the same duly countersigned by the Officer in charge of the Treasury All variations that have taken place since the submission of the list prescribed under Section 10 of the Act should be explained in a separate memorandum.

3 The list prescribed by Section 16 of the Act, or such part or parts thereof as the Collector thinks fit, shall together with the Notification under Section 16, Sub-Section (3), be posted up in some conspicuous place in every tahsil, in the principal Mohallas of every town, and in the *Chaupal* or other place of public resort in every village, in which any person included in the list resides They shall be drawn up in Hindi and Urdu

4 Under Section 18, Sub Section (1), clause (a), the Collector may, instead of including them in the list published under Section 16, serve a notice under Section 17 on—

(a) persons whose names are entered in the Durbar list of the Chief Commissioner,

(b) all persons whose vernacular is English

or he may include them in such list under Section 16 in addition to serving a notice on them under Section 17

5. The Collector is hereby authorised under Section 18, Sub Section (1), clause (b), of the Act to publish general notices in the following localities .—

(i)—All Municipalities.

(ii)—All Cantonments

(iii)—All Civil Stations at the head quarters of districts and sub-divisions

6 The date to be specified in the general notice referred to in the preceding rule as well as in the notice to be issued under Section 43, as that on or before which the returns should be made, shall be a date not less than 30 days from that on which the notice is published

7. (1) —The tax leviable under Part IV (*a*) shall be paid in one sum on the date mentioned in the list or notice.

(2).—The tax leviable under Part IV (*b*) may be paid in the following instalments —

(*a*) —If his income does not exceed Rs 10,000, in two equal instalments, one to be paid on the date mentioned in the list or notice and the other on January 1.

(*b*) —If his income exceed Rs 10,000, in three equal instalments, one to be paid on the date mentioned in the list or notice, one on October 1, and one on January 1.

8 Under Section 47, Sub-Section (5), the powers conferred upon the Local Government by Section 47, Sub Sections (2) and (4), are hereby delegated to the Commissioner of Ajmere-Merwara.

9. Receipts under Section 32 shall not be signed by any Officer inferior in rank to a Tahsildar, unless with the special sanction of the Commissioner of Ajmere-Merwara

10. The appended Forms and Registers are prescribed under the Act.

Notice under Section 10, Act II of 1886.

To

THE PRINCIPAL OFFICER OF

Take notice that you are required, under Section 10, Act II of 1886, to prepare and deliver or cause to be delivered at the Office of the undersigned a return in the Form annexed (Form A) on or before the 15th April 188 .

COLLECTOR'S OFFICE, *District*, *Dated* (Sd)

Collector.

Forms A B, C and D. [*For these See Government Notification No* 2763, *dated the 6th June* 1890, *printed at p.* 382, *supra*]

Form E

Notice under Section 12 (1), *Act II of* 1886.

No ___________

To

You are hereby required either to produce or to cause to be produced on or before the day of next for the inspection of the undersigned such of the accounts of the Company as refer to the year ending on the and as are in your possession and power.

If you fail herein you will be liable to prosecution under Section 34, Sub Section (4), clause (c), of Act II of 1886.

COLLECTOR'S OFFICE *District.* *Dated* (Sd) *Collector*

Form F

List of persons chargeable with Income Tax prepared under Section 16, *Act II of* 1886.

All persons whose names are included in this list are hereby required to take notice that they have been assessed under Part IV of the second Schedule of Act II of 1886 according to the particulars specified below. All persons named in this list are required to pay the amounts specified in the fifth column as due by them within sixty days from the day of next Any person not paying the tax due by him will be proceeded against according to law. Payment should be made at

to the Tahsildar / Treasury Officer who will grant a receipt.

Objections to the assessment may be made to the Collector by petition within 30 days from the date above mentioned.

1	2	3	4	5	6
NAME	Source or sources of estimated income	Year or portion of year for which the tax is payable	Place or places, district or districts where the income accrues	Amount of tax payable	Place where and the person to whom payment is to be made.

COLLECTOR'S OFFICE : District.
Dated

(Sd.)

Collector.

Form G.

Notice under Section Act 17, Act II of 1886.

No.________

To

You are hereby required to take notice that you have been assessed under Part IV of the second Schedule of Act II of 1886 according to the particulars specified below. You are required to pay Rs. the amount of the tax to which you have been assessed within sixty days from

the   day of   next, or to apply to the undersigned within thirty days from that date to have the assessment reduced or cancelled; otherwise you will be proceeded against according to law. A receipt will be granted at

by the $\frac{\text{Tahsildar}}{\text{Treasury Officer}}$ to whom payment should be made.

1	2	3	4	5
Source or sources of estimated income	Year or portion of the year for which the tax is payable	Place or places, district or districts, where the income accrues	Amount of tax payable	The place where and the person to whom the amount is to be paid.

COLLECTOR'S OFFICE:
District.
Dated

(Sd.)

Collector.

FORM H.

General Notice under Section 18, (1) (b), Act II of 1886

Every person living within the Municipality, Cantonment, or Civil Station of , and chargeable under Part IV of the second Schedule of Act II of 1886, is hereby invited to deliver or cause to be delivered to the undersigned on or before the day of next, a return, in the form printed below, of his income during the year ending on the day on which his accounts have been last made up, or if his accounts have not been made up within the year ending on the 31st day of March 18 , then of his income during the year ending on the 31st day of March last

Forms of the return and declaration, together with instructions for filling up the return, can be obtained at the office of the undersigned.

COLLECTOR'S OFFICE } (Sd)
District }
Dated *Collector*

1	2	3	4	5	6
Name	Residence or place of business	Source or sources of income specifying separately those chargeable under parts I II III and IV of Schedule II of the Act	Income derived from each of these sources during the past year, mentioning the period during which the income from each source has been derived,	Names of sharers, if any, in the income mentioned in columns 3 and 4, with specification of those shares.	REMARKS.

I do hereby declare that the income shown in this return is truly estimated on all the sources therein mentioned, that it has actually accrued within the period therein stated, and that I have no other source of income.

Dated *Signature*

*FORM I.

OBVERSE

Form of return and declaration under Section 18, Act II of 1886

1	2	3	4	5	6
Name.	Residence or place of business	Source or sources of income specifying separately those chargeable under parts I, II, III or IV of Schedule II of the Act	Income derived from each of the sources during the past year, mentioning the period during which the income from each source has been derived.	Names of sharers, if any, in the income mentioned in columns 3 and 4, with specification of their shares	REMARKS

I   do herby declare that the income shown in this return is truly estimated on all the sources therein mentioned that it has actually accrued within the period therein stated and that I have no other source of income

Dated *Signature*

REVERSE

Instructions for filling up the return

In the case of a firm the ordinary designation of the firm should be entered in column 1

If the person or firm making the return has several places of residence or business, they should all be mentioned in column 2 the principal place of business or residence being specified

In column 3 every separate source of income accruing and arising, or received in British India should be entered in detail Salaries, pensions, and

* Substituted for the original Form I by Notification 210 687, dated 15th March 1887 G of I Pt II, p 126

nominals whether paid by Government by a local authority or Company or by any private employer are chargeable under Part I The net profits of companies or associations carrying on business in British India whose stock or funds is or are divided into shares and transferable whether the Company is incorporated or not and whether its principal place of business is situated in British India or not are chargeable under Part II Income derived from any Government securities or debentures or other securities issued by a local authority or Company is chargeable under Part III All other income is chargeable under Part IV

If a person filling in the return occupies a building for which he pays no rent he should enter in column 4 an amount equivalent to five sixths of the sum for which the building might reasonably be expected to have let

Against the gross receipts no deductions should be made on account of disbursements or expenses not wholly and exclusively incurred in respect of the profits returned nor should deductions be made on account of the maintenance of the person himself or his family or domestic establishment, nor on account of any public or local rates cesses or taxes

Deductions from the gross receipts will be allowed on account of the following items —

(a) — In the case of professions and trades —

Sums expended in repairs of machinery implements and utensils or articles used solely for the purpose of the profession or trade

Sums expended for insuring or keeping insured the buildings machinery implements and stock used for the purpose of the profession or trade and rent paid for any premises used for such profession or trade, provided that if such premises shall not have been exclusively used for such profession or trade, a fair proportion only of such rent shall be deducted from the gross receipts

Ten per cent on the full rent of such premises on account of repairs, if such repairs are at the cost of the petitioner, whether it has or has not been actually expended during the year of assessment

Sums expended in the payment of persons employed solely in such profession or trade

The amount of any losses of the stock in trade The excess loss sustained in any profession or trade over and above the profits thereof may be set against the excess profits of any other profession or trade exercised by the same persons

The amount of any bad debts for the first time ascertained and written off as such during the year

Interest paid on money borrowed for the purpose of the trade or profession

Sums paid to an Insurance Company for the insurance of the life, or for a deferred annuity on the life of the person assessed or his wife, not exceeding one sixth of the said profits.

(b)—In the case of income from houses —

Any rent paid on account of such houses, but not taxes or local rates or cesses

Sums expended for insuring and keeping insured such houses, 10 per cent on the full rent of the houses on account of repairs if such repairs are at the cost of the petitioner whether it has or has not been actually expended during the year of assessment

Sums expended in collecting the rent, not exceeding 6 per cent of the gross rental

Annual interest payable to a mortgagee not in possession

In the case of a firm or a Hindu undivided family, no entry should be made in column 5, but in other cases where the sharers are chargeable separately and it is wished that they should be so charged, the column must be filled in

If the person filling in the return is chargeable (1) as a trustee, guardian curator, or committee of any infant married woman subject to the law of England lunatic or idiot, (2) as an agent of a non resident, (3) as receiver or manager appointed by any Court in India or as official trustee in respect of income officially in his possession or under his control, the fact should be stated in the column of remarks

N B—The attention of all persons filling in these returns is called to Section 35 Act II of 1886, which is printed below for general information —

"If a person makes a statement or a declaration mentioned in Section 18, sub section (2) which is false, and which he either knows or believes to be false or does not believe to be true he shall be deemed to have committed the offence described in Section 177 of the Indian Penal Code"

NOTE —Gross income should be shown in column 4, deductions claimed should be shown separately in column 6 Deductions allowed will be made by the Collector before assessing the tax

FORM K

Receipt under Section 32, Act II of 1886

COUNTERFOIL

1.—Serial No

2.—Date of payment or recovery of the money

3.—Amount paid or recovered including penalty if any

4.—Name of person liable to the tax

5.—Source or sources of income in respect of which the tax was payable

6.—The year or part of the year for which the tax was payable

7.—The place or places district or districts in which the income accrued

8.—Amount of instalments, if any remaining due

(Sd.)

Collector or Tahsildar or Treasury Officer

1.—Serial No

2.—Date of payment or recovery of the money

3.—Amount paid or recovered, including penalty, if any

4.—Name of person liable to the tax

5.—Source or sources of income in respect of which the tax was payable

6.—The year or part of the year for which the tax was payable

7.—The place or places district or districts in which the income accrued

8.—Amount of instalments, if any, remaining due

(Sd.)

Collector or Tahsildar or Treasury Officer

FORM L

Return under Section 41, Act II of 1886

No .

To

You are hereby required to deliver or cause to be delivered to at on or before the day of next, a list in the form printed below containing to the best of your knowledge and belief—

(a) The names of all lodgers and inmates resident in every house used by you as a dwelling house or let by you in lodgings, and of all other persons receiving salary or emoluments amounting to forty one rupees ten annas and eight pies per mensem or upwards employed in your service whether resident in any such house as aforesaid or not

(b) The place of residence of such of them as are not resident in such dwelling house or lodgings and

(c) The name of any lodger or inmate in any such house who has a place of residence elsewhere at which he is liable under Act II of 1886 to be assessed, and who desires to be assessed at that place

Sd

COLLECTOR'S OFFICE }
District }
Dated *Collector,*

Form of list of lodgers, inmates, and employés returned under Section 41, Act II of 1886

Name of person making the return—

Residence—

1	2	3	4
NAME	Whether lodger, inmate or employé	Residence if different from the above	Place at which he desires to be assessed

Dated *Signature*

FORM M.

Notice under Section 42, Act II of 1886

No

To

You are hereby required to deliver or cause to be delivered to the undersigned, on or before the day of next, a statement in the annexed form of the name or names of the person or persons, if any, for or of whom you are Trustee, Guardian, Curator Committee, or Agent

COLLECTOR'S OFFICE. *District.* (Sd)

Dated *Collector*

STATEMENT.

1	2	3
Name of Trustee Guardian Curator Committee or Agent	Whether Trustee Guardian &c or Agent	Name of persons if any for whom he is Trustee &c

Dated *Signature*

FORM N

Notice under Section 43 Act II of 1886

No

To

You are hereby required to fill in and deliver or cause to be delivered to the undersigned on or before the day of next the accompanying Form I of return in respect of the property of which you are*

Instructions for filling up the return are printed on the reverse of it

COLLECTOR'S OFFICE
District
Dated

(S I)

Collector

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* Here enter Manager or Receiver or Official Trustee, as the case may be

REGISTER No. I.

Register of Salaries, Pensions, Gratuities, Annuities, &c., other than those paid by Government assessed under Part I, Act II of 1886.

1	2	3	4	5	6	7	8	9
Serial Number	NAME.	Month for which the salary, &c., is payable	Amount of monthly salary, &c.	Deduction (if any) to be made under Section 5 (1) (f)	Amount of net salary, &c., i.e., the difference of columns 4 and 5	Amount of tax assessed	Date of payment	REMARKS

REGISTER No. II.

Register of Companies assessed under Part II, Act II of 1886

1	2	3	4	5	6	7
Serial Number	NAME OF COMPANY	Amount of net profits for the year	Tax assessed	Date on which payable	Date of payment	REMARKS

REGISTER No III

Register of Income assessed under Part IV, Act II of 1886

1	2	3	4			5	6	7	8	9	10	11	12	13	14	15	16	17
Serial Number	Tehsil.	Zillah or Parganah	Town or Village	Muhalla	Street or Ward	Name of Assessee	Father's name	Caste	Trade or Profession.	Estimated amount of annual income	Tax assessed thereon	Assessment after hearing of objection (if any) by Collector	Final demand after hearing of appeal (if any) by Commissioner	Penalty, if any	Total	Date on which payment is due	Date of payment.	REMARKS

REGISTER No IV

Register of Proceedings against Defaulters under Land Revenue Law

1	2	3	4	5	6	7	8
Serial Number	Number of case in register of assessment	Name of defaulter and amount of default	Date of order for recovery and amount recovered.	Date and nature of each process issued	Amount of Tax recovered and date of recovery	Amount of cost recovered and date of recovery	REMARKS

REGISTER No V.

Register of Proceedings against Defaulters under Civil Procedure Code

1	2	3	4	5	6	7	8
Serial Number	Number of case in register of assessment	Number of defaulter and amount of default	Date of order for recovery and amount to be recovered	Date and nature of each process issued	Amount of tax recovered and *date of recovery*	Amount of costs &c, recovered and date of recovery	REMARKS

REGISTER No IV

Register of Proceedings against Defaulters under Land Revenue Law

1	2	3	4	5	6	7	8
Serial Number	Number of case in register of assessment	Name of defaulter and amount of default.	Date of order for recovery and amount recovered	Date and nature of each process issued	Amount of Tax recovered and date of recovery	Amount of cost recovered and date of recovery	REMARKS

REGISTER No V

Register of Proceedings against Defaulters under Civil Procedure Code

1	2	3	4	5	6	7	8
Serial Number	Number of case in register of assessment	Number of defaulter and amount of default	Date of order for recovery and amount to be recovered	Date and nature of each process issued	Amount of tax recovered and date of recovery	Amount of costs, &c., recovered and date of recovery	REMARKS

REGISTER No VI

Register of Objections under Section 25, Act II of 1886

1	2	3	4	5	6	7	8
Serial Number	Number in register of assessment	Date of petition	NAME.	Amount originally assessed	Taxes fixed after hearing objection	Date	REMARKS

REGISTER No VII

Register of Appeals under Section 27 Act II of 1886

1	2	3	4	5	6	7	8
Serial Number	District	Date of Appeal	NAME	Amount originally assessed	Amount assessed after hearing of objection by Collector	Tax as fixed after hearing appeal	REMARKS

REGISTER No. VIII

Register of Notices issued under Act II of 1886

1	2	3	4	5	6	7	8	9
Number of Notices issued under Section 12 (1)	Name and nature of Company.	Number of Notices Under Section 17	Name, address, and occupation of assessee	Number of Notices under Section 18 (1) (b)	Number of Notices under Section 41	Number of Notices under Section 42	Number of Notices under Section 43	Remarks

REGISTER No. IX.

Register of Prosecutions under Section 36 for offences under Sections 34 and 35, Act II of 1886

1	2	3	4	5	6	7	8	9
Number.	Name of person prosecuted	Date of Collector's order under Section 36	Date of issue of summons	Magistrate before whom prosecuted	Section under which prosecuted.	Order of Magistrate and date of order	Amount recovered and date of recovery	REMARKS

REGULATION NO VIII OF 1887.

A Regulation to declare the Law relating to Irrigation from Tanks belonging to the Government in Ajmere.

(Received the assent of the Governor General on the 8th August 1887, and published in the Gazette of India 1887 part I, page 403)

Preamble

WHEREAS it is expedient to declare the law relating to irrigation from tanks to the exclusive use and control of the water whereof the Government is entitled under section 5 of the Ajmere Land Revenue Regulation, 1877 It is hereby enacted as follows — II of 1877

Title extent, and commencement

1 (1) This Regulation may be called the Ajmere Irrigation Regulation, 1887

(2) It extends to the territories now administered by the Chief Commissioner of Ajmere, and subject to the provisions of the Statute 33 Victoria, chapter 3, section I, and

(3) It shall come into force on such date as the Chief Commissioner may, by notification in the official Gazette, appoint in this behalf *(a)*

Definitions

2 In this Regulation, unless there is something repugnant in the subject or context,—

(1) "Field' means an area bearing a separate number in the village map or khasra

(2) 'Stream embankment" means a dam across a river, stream or natural drainage channel and includes a dam known locally as "rappat '

(3) "Field embankment' means an embankment, whether made by raising the boundary of a field or otherwise, which retains, or is intended to retain, surface drainage, and includes an embankment known locally as 'nadi '

(a) The Ajmere Irrigation Regulation, 1887, came into force on 1st October 1887, vide C Cs Notifn No 1279, dated 19th October 1887, G of I part II, for 1887, p 601

of this Regulation or of any rule thereunder has been applied but shall not in any such suit make a decree or order affecting the supply of water to any crop sown or growing at the time of the decree or order

(2) Save as provided by sub section (1) a Civil Court shall not take cognizance of any claim in respect of anything done in pursuance of this Regulation or of any rule thereunder

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AJMERE IRRIGATION RULES, 1887.

CONTENTS

(a) The following Rules, to be called "The Ajmere Irrigation Rules," have been framed by the Chief Commissioner under Section 4 of the Ajmere Irrigation Regulation, 1887, and having received the sanction of the Governor-General in Council, are hereby promulgated for general information —

RULES

A —The rates at which Water Revenue is to be assessed, and the mode of Assessment [Regulation, Section 4 (1) (a)]

1 For the purposes of these Rules, tanks in Ajmere-Merwara are divided into four classes as follows —

1st Class —Those in which the irrigated area pays either a crop-rate, varying as the crop sown, are a special contract rate settled by agreement, in lieu of the same

2nd Class —Those in which a standard area and a standard revenue have been fixed, and under which the land pays a rate which, within defined limits, varies in proportion to the area on which crops are irrigated or brought to maturity, and (when the supply for the spring crop runs short) as the number of waterings given to the field

3rd Class —Those paying an assessment fixed for a period of years and which are maintained by Goverrment

4th Class —Those paying an assessment fixed for a period of years and which are repaired by the villagers

2 All lands irrigated from a Government tank are liable to pay water-rate according to the rules herein given, provided that nothing herein contained shall be deemed to affect the special rules for variably assessed villages

3 Except where the rates have been fixed by special contract, the crop rates in tanks of the 1st class shall be fixed at each settlement by order of the Chief Commissioner. Provided that no change shall be made in the rates once fixed without the previous sanction of the Governor-General in Council, and unless such alterations have been notified to the lumberdars of the villages concerned not less than three months before the commencement of the agricultural year in which they are to take effect

(a) Published in *Gazette of India*, Pt II. for 1888, p 476

Irrigation]

4 The following crop rates per acre shall be charged on land irrigated from tanks of the 1st class not paying special contract rates during the currency of the present settlement or until further orders —

		Rs	A
Ordinary autumn crop	per crop	3	12
Cotton		5	0
Spring crops		5	0
Lucerne	per annum	5	0
Sugar cane and opium		7	13
Rice		10	15
Gardens		11	14
Sowing watering		1	4

(a) Should single waterings at special rates be applied for they may be given for ordinary spring crops at the rate of two fifths of the above rate (Rs 5) for one watering and four fifths for two waterings.

(b) In Istimrar or Jagir fields irrigated from these tanks and paying crop rates when the crop is divided between the Istimrardar or Jagirdar and the cultivator an amount of grain representing in value the water rate shall previous to the division of such crop be set aside and made over to the Istimrardar or Jagirdar who shall thereupon be responsible for the water rate. If by former usage the irrigated crops so grown pay a money rent higher than the dry rate the Istimrardar or Jagirdar shall pay the water rate and shall be entitled to collect two thirds of the same from the actual cultivator of the land but if he only collects the dry rate the cultivator shall be responsible for the whole water rate

5 In tanks of the 2nd class a standard revenue has been fixed on a standard khalsa area which shall be liable to revision only at each settlement This revenue will be collected by a rate varying between a maximum and a minimum on the principles hereinafter given Provided that *(a)* when in consequence of the smallness of the assessable area ascertained under Rule 16 the rate exceeds the standard maximum rate the latter only shall be collected and the balance remitted, but *(b)* when the assessable area ascertained as aforesaid is greater than the standard area and the rate consequently falls below the minimum standard rate the latter shall be collected and the surplus credited to Government

6 The assessment of tanks of the 3rd and 4th class have been distributed on the holdings, and shall remain unchanged during the currency of the period for which such assessment was made

7 The assessment of tanks of the 1st and 2nd class shall be made half yearly while the crops are in the ground after an inspection of such crops and a testing of the statements in the field by the officer deputed for this purpose Each sharer shall be informed by notice of the sum due from him and no assessments so made shall be collected until five weeks have elasped from the date of such notice to allow of objections being lodged and disposed of

8 Any objection to the assessment of a field irrigated from tanks of the 1st and 2nd class made on the ground that the crops have not reached maturity must be filed while the crop is on the ground and pending the disposal of any such objection the crop shall not be removed without the sanction of the Assistant Commissioner or of some officer empowered by him

9 Any watering taken from tanks of the 1st class shall unless special rates have been granted under Rule 4 (a) render the cultivator liable to pay the full rates for the crop to which it is given Provided that when the water in the tank fails before the crop is brought to maturity (as hereinafter defined) the land shall be assessed at such reduced rate as may seem to the Assistant Commissioner equitable

10 If in tanks of the 1st or 2nd class a cultivator takes water for the autumn crop with the obvious intention of softening the ground for the spring crop next ensuing the assessing officer may direct that he shall pay the rate chargeable for a matured spring crop

11 Land assessed at well rates at settlement if irrigated with the permission of the Assistant Commissioner or officer empowered to act under Rule 59 from any tank of the 1st or 2nd class shall be paid for at the uniform rate of Rs 5 per acre for the harvest If without the permission of either of the aforesaid officers water from such tanks has been taken to such land an extra rate not exceeding 50 per cent of the assessment calculated at the rate of Rs 5 per acre may be imposed by the Assistant Commissioner as a punitive measure

12 Water run to waste by neglect on uncultivated land from a tank of the 1st or 2nd class may be measured up and charged for at such rate not

Irrigation]

exceeding the highest crop rate, as the Assistant Commissioner may direct, in addition to any penalty inflicted under Rule 68

13 "Bhum' and 'muafi" lands which have been declared to be entitled to receive water at privileged rates, shall pay uniformly Rs 1-4 the acre per harvest, however many waterings they have had and irrespective of whether such lands bring a crop to maturity or not When such lands have not been declared entitled to get water at privileged rates they shall pay the rate of the harvest as paid under the rules by the khalsa lands of the same tank.

14 Fodder crops grown in the beds of tanks during the hot months will not be assessed

15 The irrigated area of a village shall be shown in acres without fractions and the water revenue of a village in rupees without fractions In distributing water revenue on the holdings fractions of an anna other than $\frac{1}{4}$ $\frac{1}{2}$ and $\frac{3}{4}$ shall be omitted

16 The area to be assessed in tanks of the 2nd class shall be reckoned as follows —

(1) It will include all irrigated khalsa lands watered from the tank sluices either by flow or lift, or from wells or lifts or other irrigation works made within the boundaries laid down under the provisions of Section 3 (1) of the Ajmere Irrigation Regulations 1887 Provided that such land has not been already assessed to revenue at all rates by the Settlement Officer, and provided also that each acre watered from a well constructed or brought into use during the currency of the settlement within boundaries above referred to and assessed by dry rates shall, for assessment under this rule only, count as half an acre

(2) It will include all lands demarcated as part of the tank area, which in the autumn harvest brings a crop to maturity, whether such crop be irrigated or not, unless it be shown that no water came into the tank, in which case no rate shall be assessed Provided that each acre not irrigated, assessed under this rule, *shall only count as $\frac{3}{4}$ of an acre, and provided that a crop shall* be considered brought to maturity in which the yield, as esti

mated by the assessing officer is not less than 25 per cent of a full average yield

(3) In the spring crop if the water is above sluice level on February 15th every area getting water shall ordinarily be considered as fully irrigated

(4) When water is not above sluice level on February 15th the number of waterings received by the standing crop in each field shall be counted but in such countings a sowing watering shall not be included An acre receiving only one watering shall count as ⅓ of an acre and one which has received two waterings as ⅔, every acre which has received three waterings shall be considered to have been fully irrigated No extra charge shall be made for land which has received more than three waterings

17 In tanks of the 2nd class the rate for the autumn harvest shall be fixed at the close of the irrigation of such harvest and shall depend partly on the khalsa area under crops and partly on the height of water remaining over sluice level If at that time little or no water remain the rate shall subject to the maximum and minimum mentioned in Rule 5 be obtained by dividing the khalsa irrigated area found according to the last rule into the tank assessment If a considerable amount of water remains over the sluice level and there is a reasonable prospect of a further assessment in the spring harvest then the rate charged shall be either the minimum rate or such rate intermediate between it and the maximum as may seen to the assessing officer most likely to ensure the collection of the standard water revenue

18 Before the rate for the spring harvest is struck there shall be deducted from the standard tank assessment—

(1) Collections made under the last rule.

(2) Collections on account of sowing waterings for the spring harvest made at the uniform rate of Rs 1 4 the acre which sum shall be due even though the land so irrigated has been ploughed only and not sown Provided that this assessment shall not be collected from land afterwards irrigated in the same harvest from the tank

19 If after making the deductions referred to in the preceding rule there be no balance, the rate for the spring crop shall be the minimum standared rate fixed at settlement, but if there is a balance the rate shall be obtained by dividing such balance by the khalsa assessable area found under Rule 16 and shall be collected subject to the rules of maximum and minimum mentioned in Rule 5

B The collection suspension, remission, and the refund of Water Revenue [Regulation, Section 4 (1) (b)]

20 The dates for the collection of the instalments of water revenue shall be the same as those sanctioned for the land revenue of the district

21 In tanks of the 1st class lumberdars and patels, or whosoever collects water revenue shall receive Rs 3 2 per cent on collection paid in by them on or before the day on which the collections become due

22 Subject to the orders of the Commissioner, the Assistant Commissioner may suspend the collection of any water revenue or other dues payable under these rules

23 The Commissioner may of his own motion, or on the recommendation of the Assistant Commissioner remit the revenue of any tank to the amount of one quarter of the whole assessment of the same, if the tank be of the 2nd 3rd or 4th class, and to the amount of one quarter of the assessment in any particular holding in tanks of the 1st class All other remissions require the sanction of the Chief Commissioner, to whom they shall be submitted half yearly for orders.

24 No refund of collections made under these rules shall be granted except with the sanction of the Commissioner

C—Distribution of water of tanks, and the decision of disputes with respect thereto [Regulation, Section 4 (1) (c)]

25 In tanks of the 1st class the Assistant Commissioner may distribute water according to his discretion

In tanks of the 2nd 3rd and 4th class, the Punchayet, hereinafter

provided and appointed under these rules shall three weeks previous to the opening of the sluices draw up a list of the fields in the order in which they are to get water and furnish each lumberdar with a copy of the same Provided that nothing in this or any other rule shall without the order of the Commissioner interfere with or change any arrangements made in this behalf at settlement

26 All applications for water from tanks of the 1st class shall be in writing and shall state specifically the period for which the water is required and no change in such application except in the form of an amended written one shall be permitted Such applications need not be delivered in person but must be signed by the applicant They may be on unstamped paper

27 No order granting water passed on any such application shall unless it specifically states the reverse remain in force after the 31st March immediately succeeding the date of the order Water required after that date and before the next succeeding autumn harvest may be given by the Assistant Commissioner on the terms laid down in Rule 4 (*a*) for ordinary spring crops and without additional payment in the case of crops paying a yearly rate

Except for sugar cane or garden produce no land shall be entitled to more than three waterings and a sowing watering in the spring harvest

28 Water shall not be given to any land commanded by a well held in the same interest as the land except for special reasons to be recorded by the authority granting the water

29 Water shall not be taken before day light or after dark without special permission of the administering authority

30 When so ordered fields must be divided into beds of not more than 100 to the bigha before water is admitted

31 The outlets from Government tanks are the property of Government

In tanks of the 1st class where cisterns have been made outside these outlets cultivators shall regulate their supplies from such cisterns and no one save an official properly authorised by the Assistant Commissioner shall open or close the outlets

In tanks of the 2nd 3rd, and 4th class the outlets shall be opened and closed only by some one duly authorised by the Punchayet

32 Where the Assistant Commissioner decides that a new water-course should be constructed through the lands of one cultivator to irrigate those of another or where he decides that the water course of one cultivator should under any conditions which may seem equitable, be used for the conveyance of water by another cultivator who was not a party to its construction such order shall not be carried out until the lapse of the period hereinafter prescribed for appeal to the Commissioner, nor, if appealed against until the Commissioner s decision is received

33 Whenever a dispute arises as to the use, maintenance, or construction of any water course by persons having or claiming to have rights in the same the order of the officer determining the dispute shall be final as regards the irrigation of any crops then standing, but shall be subject to an appeal as regards future harvests

34 Either with or without the consent of the Punchayet, the Assistant Commissioner may appoint a watcher or watchers to tanks of the 2nd, 3rd, and 4th class. These watchers shall be paid by the persons using tank water in proportion to the water rate paid by them Provided that no such appointment or appointments shall relieve the Punchayet of the tank of its responsibility

35 Subject to such orders as may be issued from time to time under Rules 58 (*h*) and 59 (*b*) cultivators shall regulate their own supply of water, and shall be responsible for any waste of water, by whomsoever occasioned, taking place on days when they are irrigating at openings or in watercourses which are in their power and usually opened, closed, or used by them, also for any waste occasioned by neglect to properly close any watercourse when ceasing to irrigate from it The authorised distribution of water must not be interfered with nor must the water be used in any way not authorised by these rules.

36 In tanks of the 2nd, 3rd, and 4th class, when disputes as to the distribution of water arise, the principle to be observed in dealing with such disputes is that land demarcated as tank land at the current assessment and paying a higher soil rate for the advantage of its position, has the prior claim to water; and that in years of failure of the rain the land nearest the tank should, *cæteris paribus* be preferred to that further off

D—Repairs of tanks ducts and water courses and of works connected therewith [*Regulation Section 4* (1) (*d*)]

37 For facility of supervision of repairs the Chief Commissioner may divide the tanks of the district into such number of circles as he may deem fit and may from time to time vary such division

38 With reference to Rule 60 (*e*) and (*f*) in tanks of the 1st class the lumbardar of the village taking water and in those of the 2nd 3rd and 4th classes the Punchayet (acting through its head member) is responsible that all water courses are kept in proper repair by their owners and that no water is allowed to pass into any water course which is not in a fit state of repair The Assistant Commissioner may if he deems it necessary cause any repair to such water courses to be executed and the cost of such repair shall be recovered from the owners in the manner provided for the recovery of arrears of land revenue

39 In tanks of the 4th class the Punchayet shall be responsible for carrying out all repairs should such repairs be neglected the Assistant Commissioner may either on the complaint of a sharer or of his own motion cause such repairs to be executed and the cost of such repairs shall be recovered in the manner provided for the recovery of arrears of land revenue Provided that this rule shall not authorise altering the capacity of any tank unless the majority of those taking water are willing to pay for the cost of such alteration and to meet the charges for maintenance of the tank in its altered condition.

40 Water courses must be kept in proper repair by their owners and water shall not be admitted into a water course which is not in a fit state of repair

41 Water courses must when deemed necessary by the Assistant Commissioner be provided with proper regulators at their heads of such pattern as may be directed

42 Water courses must be provided with culverts and other masonry works of such pattern as may be directed wherever necessary for the prevention of waste of water

43 In case of failure by the owners to comply with any order issued under Rules 40 41 and 42 or at the request of the owners necessary repairs to or works on water courses may be executed by Government and the cost recovered from the owner or owners of the water courses.

Irrigation.]

44 Cutting grass or grazing cattle, or cutting or injuring trees on the embankment of any Government tank, without due authority, is prohibited.

E—Requisition of and the rates to be paid for labour in cases of serious emergency threatening sudden and extensive public injury [Regulation Section 4 (1) (e).]

45 When any tank is maintained by Government the Chief Commissioner may if he think fit, order the Commissioner to prepare a list of such villages as are benefited by such work and such list shall set forth by name or office the person in each village to whom the requisition described in the rule next following is to be addressed and shall further show the number of labourers to be supplied by each village in the case of emergent repairs.

46. On the occurrence of any case involving danger to the existence of the irrigation work the administering authority as described in Rule 49, shall address a written requisition to the person in each village to whom such requisition is to be sent and such person shall thereupon be bound to at once supply his quota of labour for the repair of the work.

47 Such labour shall be paid for at the ordinary rates in force in the neighbourhood eight hours work being considered a full day's labour Provided that every man called on to the work shall be entitled to claim one day's pay Requisitioned labour shall be kept on the work until all danger to the tank has ceased.

48 In the case of tanks of the 1st class when the delay of a reference to the administering authority would involve danger to the existence of the work the person in local charge, whether circle subordinate munshi, or chaukidar shall requisition the labour under the terms of Rule 46 above reporting his action at once to the tehsildar for the information of the Assistant Commissioner

F—The person by whom, and the time, place, or manner at or in which anything for the doing of which provision is made in any rule, under the Regulation is to be done [Regulation, Section 4 (1) (f).]

49 Tanks of the 1st class shall be administered under the ord Assistant Commissioner who shall be the administering authority

Tanks of the 2nd, 3rd, and 4th classes shall, subject to the general control of the Assistant Commissioner, be administered by a Punchayet of the village or villages using the water of such tanks and such Punchayet shall be the administering authority of the same Punchayets appointed for the purposes of these rules shall be tank Punchayets and not village Punchayets and for executive purposes they shall be considered to be represented by their head member The Punchayets shall except where these rules provide otherwise report all matters to the Executive Engineer or other officer appointed to act under Rule 59

50 The Punchayet shall be elected subject to the approval of the Assistant Commissioner and shall consist of not less than three or more than seven members who shall be landowners using the tank water The head member shall be the lumberdar of the village or if there be more than one lumberdar, or more than one village using the water the head member shall be chosen by the other lumberdars, and if there be a contest that lumberdar shall be chosen who is supported by the largest water rate paying interest Provided that in all cases the lumberdar chosen must himself have the right of using the tank water

51 The other members of the Punchayet must be water rate payers, and they shall be elected by the landowners who use the tank water and in case of contest those sharers shall be chosen who are supported by the largest water rate paying interest

52 The members of the Punchayet shall continue in office for two years one half being elected every May

53 The Chief Commissioner shall prescribe periodical statements and forms for keeping accounts and reporting results and may from time to time vary such statements and forms The Chief Commissioner shall also prescribe the persons by whom the date on which and the channels through which, they are to be submitted

The statements to be submitted under this rule until further orders are published as Appendix A to these Rules

54 The patwari of the circle shall prepare such statements or returns of irrigation as may from time to time be prescribed

55 The Punchayets shall supply to the patwaris of the circles concerned such information as the patwaris may require to enable them to prepare the statements and returns referred to in rule 54

56 Any officer acting under Rule 59 shall bring to the notice of the Assistant Commissioner, without delay, any matter regarding the operation of these rules which may come to his notice, and with which he himself is not competent to deal All action taken under this rule must be duly recorded and reported In the settlement of disputes, the reasons for the decision must be recorded as well as the order, and no penalty may be inflicted without the evidence being duly recorded in proper form for transmission to the Assistant Commissioner, and all officers empowered to settle disputes shall prepare a record of their proceedings

It shall further be the duty of the Executive Engineer or other officer appointment under Rule 57 (g) to promptly report to the Assistant Commissioner any serious accident or other important occurrence likely to endanger the revenue or cause injury which may come to his notice

G—Powers, duties, and proceedings of any officer or other person who by any such rule is empowered or require to take action in any matter [Regulation, Section 4 (1) (q)]

57 The Commissioner shall have power—

(a) To suspend any water revenue or other dues payable under these rules

(b) To make remission under Rule 23

(c) To sanction the refund of collections made through any error

(d) To veto or modify any arrangements made in respect of distribution of water of 2nd, 3rd, and 4th class tanks which would interfere with any arrangements made in this behalf at settlement

(e) To supervise the proceedings of his subordinates, and to review, modify, or reverse any orders passed by them, whether on appeal or otherwise.

(f) To entertain and dispose of appeals admissible under the rules from the orders of the Assistant Commissioner

(g) To authorise other officers at his direction to exercise all or any of the powers conferred on the Executive Engineer by Rule 59

58 The Assistant Commissioner shall have power —

(*a*) To assess under these rules water revenue on lands watered from tanks of the 1st and 2nd classes

(*b*) To assess lands irrigated from wells and lifts under the provisions of Section 3 of the Ajmere Irrigation Regulation, 1887

(*c*) To impose a punitive rate on lands liable to penalty under Rule 11

(*d*) To impose a rate under Rule 12 on uncultivated land flooded by neglect

(*e*) To decide claims to exemption from water revenue on any ground under these rules.

(*f*) To decide disputes as to liability for payments of water revenue between sharers or persons having different interests in the land

(*g*) To suspend demand, subject to the orders of the Commissioner, and to recommend remissions

(*h*) To distribute the water of tanks of the 1st class, and decide disputes as to the distribution of water under these rules between cultivators and villagers in tanks of the 2nd, 3rd, and 4th classes

(*i*) To sanction, or refuse for reasons recorded irrigation to any land from a tank of the 1st class and to direct the opening and closing of the sluices of the same

(*j*) To direct the cultivators to put regulators, culverts, or other necessary works in water courses or to execute necessary repairs to water courses (*vide* Rules 40 42), and in case of failure by the owners to carry out any such order, to cause the work to be executed and to recover the cost, and to cause the execution of repairs to 4th class tanks and the recovery of the cost under Rule 38

(*k*) To direct the cultivators to divide their fields into a specified number of beds, not more than 100 to the bigha

(*l*) *To decide disputes regarding use, maintenance, construction,* or repairs of water courses, and to apportion the cost of the same under these rules

56 Any officer acting under Rule 59 shall bring to the notice of the Assistant Commissioner, without delay, any matter regarding the operation of these rules which may come to his notice and with which he himself is not competent to deal All action taken under this rule must be duly recorded and reported In the settlement of disputes the reasons for the decision must be recorded as well as the order and no penalty may be inflicted without the evidence being duly recorded in proper form for transmission to the Assistant Commissioner and all officers empowered to settle disputes shall prepare a record of their proceedings

It shall further be the duty of the Executive Engineer or other officer appointment under Rule 57 (g) to promptly report to the Assistant Commissioner any serious accident or other important occurrence likely to endanger the revenue or cause injury which may come to his notice

G—Powers, duties and proceedings of any officer or other person who by any such rule is empowered or require to take action in any matter [Regulation, Section 4 (1) (q)]

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(c) To sanction the refund of collections made through any error

(d) To veto or modify any arrangements made in respect of distribution of water of 2nd 3rd and 4th class tanks which would interfere with any arrangements made in this behalf at settlement

(e) To supervise the proceedings of his subordinates, and to review, modify or reverse any orders passed by them whether on appeal or otherwise

(f) To entertain and dispose of appeals admissible under the rules from the orders of the Assistant Commissioner

(g) To authorise other officers at his direction to exercise all or any of the powers conferred on the Executive Engineer by Rule 59

58 The Assistant Commissioner shall have power —

(*a*) To assess under these rules water revenue on lands watered from tanks of the 1st and 2nd classes

(*b*) To assess lands irrigated from wells and lifts under the provisions of Section 3 of the Ajmere Irrigation Regulation, 1887

(*c*) To impose a punitive rate on lands liable to penalty under Rule 11

(*d*) To impose a rate under Rule 12 on uncultivated land flooded by neglect

(*e*) To decide claims to exemption from water revenue on any ground under these rules.

(*f*) To decide disputes as to liability for payments of water revenue between sharers or persons having different interests in the land

(*g*) *To suspend demand, subject to the orders of the Commissioner*, and to recommend remissions

(*h*) To distribute the water of tanks of the 1st class, and decide disputes as to the distribution of water under these rules between cultivators and villagers in tanks of the 2nd, 3rd, and 4th classes

(*i*) To sanction, or refuse for reasons recorded, irrigation to any land from a tank of the 1st class, and to direct the opening and closing of the sluices of the same

(*j*) To direct the cultivators to put regulators, culverts, or other necessary works in water-courses or to execute necessary repairs to water courses (*vide* Rules 40 42), and in case of failure by the owners to carry out any such order, to cause the work to be executed and to recover the cost, and to cause the execution of repairs to 4th class tanks and the recovery of the cost under Rule 38

(*k*) To direct the cultivators to divide their fields into a specified number of beds, not more than 100 to the bigha

(*l*) To decide disputes regarding use, maintenance, construction, or repairs of water-courses, and to apportion the cost of the same under these rules

(*m*) To order, or sanction the appointment of watchers over any Government irrigation work

(*n*) To arranage for the appointment of tank Punchayets and to supervise their proceedings under these rules

(*o*) To requisition labour under these rules in the case of emergent repairs necessary to provide against sudden and extensive public injury

(*p*) To refer cases pending before him to any officer appointed for the purpose under Rule 57 (*g*) and to withdraw cases pending before such an officer, and try them himself

(*q*) To review, modify, or reverse on appeal or otherwise any order issued by the Executive Engineer or other officer acting under Section 59 of these rules and to call for the records of any case provided that in any case in which the Assistant Commissioner reverses or modifies any such order a further appeal shall lie to the Commissioner, whose decision shall be final.

59 The Executive Engineer shall have power—

(*a*) To investigate and report for the orders of the Assistant Commissioner cases under Rule 12 (unculturable land flooded by neglect)

(*b*) To investigate and decide cases of disputes as to the distribution of water To investigate and decide subject to appeal to the Assistant Commissioner objections to assessment under Rule 8

(*c*) To sanction or refuse on cause recorded irrigation to any land from a tank of the 1st or 2nd class and to direct the opening and closing of the sluices of any such tank.

(*d*) To direct the cultivators to divide their fields into a specified number of beds not exceeding 100 to the bigha.

(*e*) To decide disputes regarding construction use, maintenance, or repairs of water-courses and to apportion the cost of the same under these rules.

(*f*) To order or sanction the appointment of watchers over any Government irrigation work.

(*g*) To arrange for the appointment of tank Punchayets and supervise their proceedings under these rules.

(h) To requisition labour under these rules in the case of emergent repairs necessary to provide against sudden and extensive public injury

60 The duties which devolve on tank Punchayets are—

(a) To watch the embankments and other works of the tank or tanks from which the village or villages irrigate And in case of a breach occurring or appearing imminent, which endangers their existence, to summon all the able bodied cultivators taking water from the tank or tanks to assist in repairs.

(b) To inspect the embankments, sluices, and other works before the rains, and see that the sluices are properly closed

(c) To guard trees or other Government property on or near the embankments, and to notice damages done to embankments and other works by the trees on or near them

(d) To fix the dates of opening and closing of the sluices

(e) To prevent the waste of water, and arrange that the sluices are properly closed at nights and at times when water is not required for irrigation

(f) To see that water-courses are made and kept in repair, and that no avoidable waste occurs in them

(g) Before the commencement of irrigation, to draw up a list of fields in the order in which, according to acknowledged custom, they are to get water, and regulate the distribution accordingly

(h) In case of tanks of the 2nd and 3rd classes, to report to the Irrigation officer without delay—

(i) All weakness or faults in the embankments or sluices, and all repairs required to embankments, sluices or ducts

(ii) Cases of leakage during the rains

(iii) That the sluices have been properly closed before the rains

(iv) All cases of damage, either wilful or accidental, to Government property

(i) To supply to the patwaries of the circle concerned such *information as they may require for preparing the statements* and returns referred to in Rule 54.

Duties of Patuaries

61 The patwari shall—

(a) Prepare the record of waterings for purposes of Rule 16 (4)

(b) Prepare such statements or returns of irrigation as may from time to time be prescribed

(c) Enter in his diary the dates of opening and of closing the sluices of the 1st and 2nd class tanks the date on which the weir overflowed the height to which and the period for which it ran and the date on which water fell below sluice level

(d) Keep a daily record of the fields taking water from tanks of the first and second classes and shall produce when required his records for the inspection of officers acting under Rule 59

(e) Note in his diary sanctions or refusals of irrigation to any land from tanks of the first or second class.

(f) And report to the Assistant Commissioner cases of unculturable land flooded by neglect

II—The cases in which and the officers to whom and the conditions subject to which orders passed under any rules shall be appealable

62 Except where it is otherwise provided every order of the Assistant Commissioner passed under these rules may be appealed against to the Commissioner

63 Except where it is otherwise provided every order passed by an officer acting under Rule 59 may be appealed against to the Assistant Commissioner

Provided that appeals referred to in the foregoing rules shall be accompanied by a copy of the order appealed against and shall be presented within fifteen days of the order appealed against

64 Any person aggrieved by an order of the Commissioner may appeal to the Chief Commissioner

Provided that a copy of the order appealed against shall accompany the appeal and that it shall be presented within one month of the date of the order appealed against.

65 There shall be no second appeal in cases where the order of the Court of first instance is upheld on appeal

66 Nothing in Rules 57 65 shall affect the application of the provisions of the Code of Criminal Procedure 1882 to trials for breaches of rules under the Ajmere Irrigation Regulation 1887, and to appeals from and the revision of judgments passed in such trials

I—The exercise of the right of Government to the exclusive use and control of the water of rivers and streams flowing in natural channels and of natural collections of water, in so far as the Chief Commissioner may deem the exercise of that right to be necessary for the purposes of this Regulation [Regulation Section 4 (1) (i)]

67 Whenever a case of interference on the part of a person or persons with the water of rivers or streams flowing in natural channels, and of lakes or other natural collections of still water, which the Government is entitled to use and control for public purposes, comes to the notice of the Assistant Commissioner he may issue an order forbidding or limiting such interference

J—Penalties under Regulation Section 4 (2)

68 The following acts and omissions shall render the persons guilty of them to the penalties given in Section 4 (2) of the Ajmere Irrigation Regulation, 1887 —

(1) Damaging or obstructing, or without due authority constructing, altering or enlarging any tank or irrigation work, or any part thereof

(2) Without due authority interfering with, increasing or diminishing the flow of water in any duct

(3) Being responsible for the maintenance of, or using, a water course, and neglecting to take proper precaution for the prevention of waste of water in the same or interfering with the authorised distribution of water, or using such water in an unauthorised way or at an unauthorised time

(4) Without due authority cutting grass or grazing cattle, or cutting or injuring trees, on the embankment of any Government tank

(5) Neglecting to divide fields into the requisite number of beds when so ordered

(6) Being responsible for the supply of requisitioned labourers and without due cause failing to supply or assist in supplying the same

(7) Being a labourer so requisitioned and without due cause neglecting to work

(8) Destroying, injuring, or removing any level or survey marks, or water gauge affixed by due authority, or neglecting to construct a regulator when so ordered, or enlarging, altering, or obstructing the same

(9) Being a lumberdar or member of a Punchayet appointed under these rules, and neglecting to perform the duties imposed on him by these rules, or by any other lawful authority

(10) Neglecting to comply with an order issued by the Assistant Commissioner under Rule 67

APPENDIX A.

Under Section 53 of the Ajmere Irrigation Rules the Chief Commissioner declares as follows —

1 The following statements are to be submitted half yearly on or before July 10th and January 10th by the Assistant Commissioner to the Commissioner —

STATEMENT No 1 —*Half yearly Return*

STATEMENT No 2 —*Suspensions and Remissions*

The following statements are to be submitted every year by the Assistant Commissioner to the Commissioner on or before August 15th —

STATEMENT No 3 —*Annual rent of irrigation and collections*

STATEMENT No 4 —*Abstract of expenditure*

STATEMENT No 5 —*Crops grown for each class of tank*

STATEMENT No 6 —*Experimental cuttings of crops*

STATEMENT No 7 —*Return of wells under new tanks*

Exemplars of these statements are given in Appendix I

2 Of these statements Nos 1 3 5 6 7 shall be forwarded annually, not later than September 1st by the Commissioner, with his annual report to the Secretary to the Chief Commissioner in the Public Works Department

3 The Assistant Commissioner or Irrigation officer shall keep a daily cash book for tanks of the 1st and 2nd classes in the form given in Appendix II This cash book shall be compared and signed monthly by the Treasury Officer, and after each of such comparisons a translation of that part which refers to tanks of the 1st class shall be furnished to the Deputy Examiner of the Public Works Department, through the Commissioner.

APPENDIX I

Ajmere-Merwara Irrigation —*Statement No. 1 —Half yearly Return*

Tank	Village	Actual Area to be Assessed							Water revenue assessed	Arrears of previous years	Total demand	Amount let off	Amount collected	Arrears	Remarks including date of the weir running area receiving a sowing watering only and that watered once, twice, or fully watered.
		Not irrigated	Irrigated					Total							
			Well	Tank	Other	Total									
						Flow	Lift								
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16

Ajmere Merwara Irrigation —*Statement No 2 —Suspensions and Remissions.*

Tank	Village	Area Injured	Amount remitted or to be remitted	Amount suspended	Remarks including reasons for remissions and suspensions
1	2	3	4	5	6

AJMERE-MERWARA IRRIGATION —*Statement No 3—Annual Return of Irrigation and Collections*

Tank	Village	Standard settlement assessment, if any	Area Irrigated			Amount due				Arrears of previous years	Total	Amount remitted	Amount collected	Still due	Detail of Collections					Detail of Credit			Remarks
			Kharif	Rabi	Total	Kharif	Rabi	Miscellaneous	Total						Water revenue	Muafi and bhum paying privileged rates	Fisheries	Fines	Miscellaneous	Water revenue	Public Works	Personal ledger	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24

AJMERE-MERWARA IRRIGATION —*Statement No 4—Abstract of Expenditure*

Class of tank	Lumberdar's fees paid	Pay of establishment	Travelling allowance	Contingent charges	Total	Remarks
1	2	3	4	5	6	7

AJMERE-MERWARA IRRIGATION —*Statement No 5 —Crops grown for each class of tank.*

Harvest	Crop.	Area	Produce per area	Total produce.	REMARKS
1	2	3	4	5	6

AJMERE-MERWARA IRRIGATION —*Statement No 6 —Experimental cutting of Crops.*

Tank.	Village.	Name of cultivator.	Harvest and area of field.	Area cut.	Distance of field from tank	Whether irrigated lift or flow, and number of waterings.	Weight of grain cut	Weight of straw cut	PRODUCE OF ACRE		VALUE PER ACRE			Deduct expenditure	Profit	REMARKS.
									Grain	Straw.	Grain	Bhusa.	TOTAL			
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17

AJMERE MERWARA IRRIGATION —*Statement No 7*—*Return of Wells for New Tanks*

Tank	Village	Number of wells affected	Number of old wells	Number of new wells	Average distance of wells from tank	Average depth of wells	Average depth to water this year	AREA IRRIGATED			REMARKS.
								Kharif.	Rabi	TOTAL.	
1	2	3	4	5	6	7	8	9	10	11	12

APPENDIX II

AJMERE MERWARA IRRIGATION —*Cash Book*

CREDIT										DEBIT						
Date	Water revenue	Collections from muafi and bhum at privileged rates.	Fisheries	Fines	Miscellaneous	HOW CREDITED			REMARKS.	Date	Cost of collection	Pay of establishment	Travelling allowance	Contingent charges.	TOTAL.	REMARKS
						Water revenue	Public Works	Personal ledger								
1	2	3	4	5	6	7	8	9	10	1	2	3	4	5	6	7

PART III

Reference to Court and Procedure thereon.

PART IV

Apportionment of Compensation

PART V

Payment

PART VI

Temporary Occupation of Land

PART VII

Acquisition of Land for Companies.

PART VIII

Miscellaneous

ACT No I of 1894

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL

(Received the assent of the Governor General on the 2nd February 1894)

An Act to amend the law for the acquisition of land for public purposes and for Companies

WHEREAS it is expedient to amend the law for the acquisition of land needed for public purposes and for Companies and for determining the amount of compensation to be made on account of such acquisition, It is hereby enacted as follows —

PART I

PRELIMINARY

Short title, extent and commencement

1 (1) This Act may be called the Land Acquisition Act 1894

(2) It extends to the whole of British India , and

(3) It shall come into force on the first day of March 1894

Repeal

2 (1) The Land Acquisition Act 1870 and section 74 of the Punjab Courts Act 1884 are hereby repealed

(2) But all proceedings commenced officers appointed or authorised agreements published and rules made under the said Land Acquisition Act, shall as far as may be be deemed to have been respectively commenced, appointed or authorised published and made under this Act

(3) Any enactment or document referring to the said Land Acquisition Act or to any enactment thereby repealed shall so far as may be be construed to refer to this Act or to the corresponding portion thereof

Definitions

3 In this Act unless there is something repugnant in the subject or context —

(a) The expression land includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth

(b) The expression person interested " includes all persons claiming an interest in compensation to be made on account of the

acquisition of land under this act, and a person shall be deemed to be interested in land if he is interested in an easement affecting the land

(c) The expression "Collector" means the Collector of a district, and includes a Deputy Commissioner and any officer specially appointed by the Local Government to perform the functions of a Collector under this Act

(d) The expression "Court" means a principal Civil Court of original jurisdiction, unless the Local Government has appointed (as it is hereby empowered to do) a special judicial officer within any specified local limits to perform the functions of the Court under this Act

(e) The expression "Company" means a Company registered under the Indian Companies Act, 1882, or under the (English) Companies Acts, 1862 to 1890, or incorporated by an Act of Parliament or of the Governor-General in Council, or by Royal Charter or Letters Patent

VI of 1882.

(f) The expression "Public Purpose" includes the provision of village sites in districts in which the Local Government shall have declared, by notification in the official Gazette, that it is customary for the Government to make such provision and

(g) The following persons shall be deemed persons "entitled to act" as and to the extent hereinafter provided (that is to say)—trustees for other persons beneficially interested shall be deemed the persons entitled to act with reference to any such case, and that to the same extent as the persons beneficially interested could have acted if free from disability,

A married woman, in cases to which the English law is applicable, shall be deemed the person so entitled to act, and, whether of full age or not, to the same extent as if she were unmarried and of full age, and

The guardians of minors, and the committees or managers of lunatics or idiots, shall be deemed respectively the persons so entitled to act, to the same extent as the minors lunatics, or idiots themselves, if free from disability, could have acted

Provided that—

(i) No person shall be deemed 'entitled to act' whose interest in the subject matter shall be shown to the satisfaction of the Collector or Court to be adverse to the interest of the person interested for whom he would otherwise be entitled to act,

(ii) In every such case the person interested may appear by a next friend or in default of his appearance by a next friend the Collector or Court as the case may be shall appoint a guardian for the case to act on his behalf in the conduct thereof,

(iii) The provisions of Chapter XXXI of the Code of Civil Procedure shall *mutatis mutandis*, apply in the case of persons interested appearing before a Collector or Court by a next friend or by a guardian for the case in proceedings under this Act, and XI 18

(iv) No person 'entitled to act' shall be competent to receive the compensation-money payable to the person for whom he is entitled to act unless he would have been competent to alienate the land and receive and give a good discharge for the purchase money on a voluntary sale

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PART II

Acquisition

Preliminary Investigation

Publication of preliminary notification and powers of officers thereupon.

4. (*1*) Whenever it appears to the Local Government that land in any locality is likely to be needed for any public purpose, a notification to that effect shall be published in the official Gazette, and the Collector shall cause public notice of the substance of such notification to be given at convenient places in the said locality

(*2*) Thereupon it shall be lawful for any officer, either generally or specially authorised by such Government in this behalf, and for his servants and workmen,—

To enter upon and survey and take levels of any land in such locality,

To dig or bore into the subsoil,

To do all other acts necessary to ascertain whether the land is adapted for such purpose,

To set out the boundaries of the land proposed to be taken and the intended line of the work (if any) proposed to be made thereon

To mark such levels boundaries and line by placing marks and cutting trenches

And where otherwise the survey cannot be completed and the levels taken and the boundaries and line marked to cut down and clear away any part of any standing crop fence or jungle

Provided that no person shall enter into any building or upon any enclosed court or garden attached to a dwelling house (unless with the consent of the occupier thereof) without previously giving such occupier at least seven days notice in writing of his intention to do so

5 The officer so authorised shall at the time of such entry pay or tender payment for all necessary damage to be done as afor said and in case of dispute as to the sufficiency of the amount so paid or tendered he shall at once refer the dispute to the decision of the Collector or other chief revenue officer of the district and such decision shall be final Payment for damage

Declaration of intended Acquisition

6 (1) Subject to the provisions of Part VII of this Act whenever it appears to the Local Government that any particular land is needed for a public purpose or for a Company a declaration shall be made to that effect under the signature of a Secretary to such Government or of some officer duly authorized to certify its orders Declaration that land is required for a public purpose

Provided that no such declaration shall be made unless the compensation to be awarded for such property is to be paid by a Company or wholly or partly out of public revenues or some fund controlled or managed by a local authority

(2) The declaration shall be published in the official Gazette and shall state the district or other territorial division in which the land is situate the purpose for which it is needed its approximate area and where a plan shall have been made of the land the place where such plan may be inspected

(3) The said declaration shall be conclusive evidence that the land is needed for a public purpose or for a Company as the case may be, and after making such declaration the Local Government may acquire the land in manner hereinafter appearing

After declaration, Collector to take order for acquisition

7. Whenever any land shall have been so declared to be needed for a public purpose, or for a Company, the Local Government, or some officer authorized by the Local Government in this behalf, shall direct the Collector to take order for the acquisition of the land

Land to be marked out measured and planned

8. The Collector shall thereupon cause the land (unless it has been already marked out under section 4) to be marked out He shall also cause it to be measured, and (if no plan has been made thereof) a plan to be made of the same

Notice to *persons interested*

9. *(1)* The Collector shall then cause public notice to be given at convenient places on or near the land to be taken stating that the Government intends to take possession of the land, and that claims to compensation for all interests in such land may be made to him

(2) Such notice shall state the particulars of the land so needed, and shall require all persons interested in the land to appear personally or by agent before the Collector at a time and place therein mentioned (such time not being earlier than fifteen days after the date of publication of the notice) and to state the nature of their respective interests in the land and the amount and particulars of their claims to compensation for such interests and their objections (if any) to the measurements made under section 8 The Collector may in any case require such statement to be made in writing and signed by the party or his agent

(3) The Collector shall also serve notice to the same effect on the occupier (if any) of such land and on all such persons known or believed to be interested therein or to be entitled to act for persons so interested as reside or have agents authorized to receive service on their behalf, within the revenue district in which the land is situate

(4) In case any person so interested resides elsewhere, and has no such agent, the notice shall be sent to him by post in a letter addressed to him at his last known residence address or place of business, and registered under Part III of the Indian Post Office Act, 1866 XI 18

Power to require and enforce the making of statements as to names and interests.

10 *(1)* The Collector may also require any such person to make or deliver to him, at a time and place mentioned (such time not being earlier than fifteen days after the date of the requisition) a statement containing, so far as may be practicable, the name of every other person possessing any interest in the land or any part thereof as co-proprietor, sub proprietor, mortgagee, tenant, or otherwise, and of the nature of such interest, and of the rents and profits (if any) received or receivable on account thereof for three years next preceding the date of the statement

(2) Every person required to make or deliver a statement under this section or section 9 shall be deemed to be legally bound to do so within the meaning of sections 175 and 176 of the Indian Penal Code

XLV of 1860

Enquiry into Measurements, Value, and Claims, and Award by the Collector

11. On the day so fixed, or on any other day to which the enquiry has been adjourned, the Collector shall proceed to enquire into the objections (if any) which any person interested has stated, pursuant to a notice given under section 9, to the measurements made under section 8, and into the value of the land, and into the respective interests of the persons claiming the compensation, and shall make an award under his hand of—

Enquiry and award by Collector

(i) The true area of the land,

(ii) The compensation which in his opinion should be allowed for the land, and

(iii) The apportionment of the said compensation among all the persons known or believed to be interested in the land, of whom, or of whose claims, he has information, whether or not they have respectively appeared before him

12. (1) Such award shall be filed in the Collector's office, and shall except as hereinafter provided, be final and conclusive evidence, as between the Collector and the persons interested whether they have respectively appeared before the Collector or not, of the true area and value of the land, and the apportionment of the compensation among the persons interested

Award of Collector when to be final

(2) The Collector shall give immediate notice of his award to such of the persons interested as are not present personally or by their representatives when the award is made

13 The Collector may, for any cause he thinks fit, from time to time adjourn the enquiry to a day to be fixed by him.

Adjournment of enquiry

14. For the purpose of enquiries under this Act, the Collector shall have power to summon and enforce the attendance of witnesses, including the parties interested or any of them and to compel the production of documents by the same means and (so far as may be) in the same manner, as is provided in the case of a Civil Court under the Code of Civil Procedure

Power to summon and enforce attendance of witnesses and production of documents

2 of

15. In determining the amount of compensation, the Collector shall be guided by the provisions contained in sections 23 and 24

Matters to be considered and neglected.

the Collector for the determination of the Court, whether his objection be to the measurement of the land the amount of the compensation the persons to whom it is payable or the apportionment of the compensation among the persons interested

(2) The application shall state the grounds on which objection to the award is taken

Provided that every such application shall be made —

(a) If the person making it was present or represented before the Collector at the time when he made his award within six weeks from the date of the Collectors award,

(b) In other cases within six weeks of the receipt of the notice from the Collector under section 12 sub section (2) or within six months from the date of the Collectors award whichever period shall first expire

19 (1) In making the reference the Collector shall state for the information of the Court in writing under his hand — Collector's statement to the Court

(a) The situation and extent of the land with particulars of any trees buildings or standing crops thereon

(b) The names of the persons whom he has reason to think interested in such land,

(c) The amount awarded for damages and paid or tendered under sections 5 and 17 or either of them and the amount of compensation awarded under section 11 and

(d) If the objection be to the amount of the compensation the grounds on which the amount of compensation was determined

(2) To the said statement shall be attached a schedule giving the particulars of the notices served upon and of the statements in writing made or delivered by the parties interested respectively

20 The Court shall thereupon cause a notice specifying the day on which the Court will proceed to determine the objection and directing their appearance before the Court on that day to be served on the following persons namely — Service of notice

(a) The applicant

(b) All persons interested in the objection except such (if any) of them as have consented without protest to receive payment of the compensation awarded and

(c) If the objection is in regard to the area of the land or to the amount of the compensation, the Collector

Restriction on scope of proceedings

21. The scope of the inquiry in every such proceeding shall be restricted to a consideration of the interests of the persons affected by the objection

Proceedings to be in open Court

22 Every such proceeding shall take place in open Court, and all persons entitled to practice in any Civil Court in the province shall be entitled to appear, plead and act (as the case may be) in such proceeding

Matters to be considered in determining compensation

23 (1) In determining the amount of compensation to be awarded for land acquired under this Act, the Court shall take into consideration—

First, the market value of the land at the date of the publication of the declaration relating thereto under section 6,

Secondly, the damage sustained by the person interested by reason of the taking of any standing crops or trees which may be on the land at the time of the Collector's taking possession thereof,

Thirdly, the damage (if any) sustained by the person interested, at the time of the Collector's taking possession of the land, by reason of severing such land from his other land,

Fourthly, the damage (if any) sustained by the person interested at the time of the Collector's taking possession of the land by reason of the acquisition injuriously affecting his other property, movable or immovable in any other manner, or his earnings,

Fifthly, if, in consequence of the acquisition of the land by the Collector, the person interested is compelled to change his residence or place of business the reasonable expenses (if any) incidental to such change, and,

Sixthly, the damage (if any) *bona fide* resulting from diminution of the profits of the land between the time of the publication of the declaration under section 6 and the time of the Collector's taking possession of the land

(2) In addition to the market value of the land, as above provided, the Court shall in every case award a sum of fifteen per centum on such market value, in consideration of the compulsory nature of the acquisition

Matters to be neglected in determining compensation

24. But the Court shall not take into consideration—

First the degree of urgency which has led to the acquisition,

Secondly, any disinclination of the person interested to part with the land acquired,

Thirdly any damage sustained by him, which, if caused by a private person, would not render such person liable to a suit,

Fourthly any damage which is likely to be caused to the land acquired after the date of the publication of the declaration under section 6 by or in consequence of the use to which it will be put,

Fifthly any increase to the value of the land acquired likely to accrue from the use to which it will be put when acquired,

Sixthly, any increase to the value of the other land of the person interested likely to accrue from the use to which the land acquired will be put, or

Seventhly, any outlay or improvements on or disposal of the land acquired commenced made or affected without the sanction of the Collector after the date of the publication of the declaration under section 6

25. (*1*) When the applicant has made a claim to compensation pursuant to any notice given under section 9 the amount awarded to him by the Court shall not exceed the amount so claimed or be less than the amount awarded by the Collector under section 11 Rules as to amount of compensation.

(*2*) When the applicant has refused to make such claim or has omitted without sufficient reason (to be allowed by the Judge) to make such claim, the amount awarded by the Court shall in no case exceed the amount awarded by the Collector

(*3*) When the applicant has omitted for a sufficient reason (to be allowed by the Judge) to make such claim the amount awarded to him by the Court shall not be less than and may exceed, the amount awarded by the Collector

26 Every award under this Part shall be in writing signed by the Judge and shall specify the amount awarded under clause *first* of sub section (*1*) of section 23 and also the amounts (if any) respectively awarded under each of the other clauses of the same sub section together with the grounds of awarding each of the said amounts Form of awards

27. (*1*) Every such award shall also state the amount of costs incurred in the proceedings under this Part and by what persons and in what proportions they are to be paid Costs

(*2*) When the award of the Collector is not upheld the costs shall ordinarily be paid by the Collector unless the Court shall be of opinion that the claim of the applicant was so extravagant or that he was so negligent in

(c) If the objection is in regard to the area of the land or to the amount of the compensation, the Collector

Restriction on scope of proceedings

21. The scope of the inquiry in every such proceeding shall be restricted to a consideration of the interests of the persons affected by the objection

Proceedings to be in open Court

22 Every such proceeding shall take place in open Court and all persons entitled to practice in any Civil Court in the province shall be entitled to appear, plead, and act (as the case may be) in such proceeding

Matters to be considered in determining compensation

23 (*1*) In determining the amount of compensation to be awarded for land acquired under this Act, the Court shall take into consideration—

First the market value of the land at the date of the publication of the declaration relating thereto under section 6,

Secondly, the damage sustained by the person interested by reason of the taking of any standing crops or trees which may be on the land at the time of the Collector s taking possession thereof,

Thirdly the damage (if any) sustained by the person interested, at the time of the Collector s taking possession of the land, by reason of serving such land from his other land,

Fourthly, the damage (if any) sustained by the person interested, at the time of the Collector's taking possession of the land by reason of the acquisition injuriously affecting his other property, movable or immovable in any other manner, or his earnings,

Fifthly if in consequence of the acquisition of the land by the Collector, the person interested is compelled to change his residence or place of business the reasonable expenses (if any) incidental to such change, and,

Sixthly, the damage (if any) *bona fide* resulting from diminution of the profits of the land between the time of the publication of the declaration under section 6 and the time of the Collector s taking possession of the land

(*2*) In addition to the market value of the land, as above provided, the Court shall in every case award a sum of fifteen per centum on such market-value in consideration of the compulsory nature of the acquisition

Matters to be neglected in determining compensation

24. But the Court shall not take into consideration—

First the degree of urgency which has led to the acquisition,

Secondly, any disinclination of the person interested to part with the land acquired,

Thirdly, any damage sustained by him, which, if caused by a private person, would not render such person liable to a suit,

Fourthly, any damage which is likely to be caused to the land acquired, after the date of the publication of the declaration under section 6, by or in consequence of the use to which it will be put,

Fifthly, any increase to the value of the land acquired likely to accrue from the use to which it will be put when acquired,

Sixthly, any increase to the value of the other land of the person interested likely to accrue from the use to which the land acquired will be put, or,

Seventhly, any outlay or improvements on, or disposal of, the land acquired, commenced, made, or affected without the sanction of the Collector after the date of the publication of the declaration under section 6.

25. (*1*) When the applicant has made a claim to compensation, pursuant to any notice given under section 9, the amount awarded to him by the Court shall not exceed the amount so claimed, or be less than the amount awarded by the Collector under section 11 — Rules as to amount of compensation

(*2*) When the applicant has refused to make such claim, or has omitted without sufficient reason (to be allowed by the Judge) to make such claim, the amount awarded by the Court shall in no case exceed the amount awarded by the Collector.

(*3*) When the applicant has omitted for a sufficient reason (to be allowed by the Judge) to make such claim, the amount awarded to him by the Court shall not be less than, and may exceed, the amount awarded by the Collector

26. Every award under this Part shall be in writing, signed by the Judge, and shall specify the amount awarded under clause *first* of sub-section (*1*) of section 23, and also the amounts (if any) respectively awarded under each of the other clauses of the same sub-section, together with the grounds of awarding each of the said amounts — Form of awards

27. (*1*) Every such award shall also state the amount of costs incurred in the proceedings under this Part, and by what persons and in what proportions they are to be paid. — Costs

(*2*) When the award of the Collector is not upheld, the costs shall ordinarily be paid by the Collector, unless the Court shall be of opinion that the claim of the applicant was so extravagant or that he was so negligent in

putting his case before the Collector that some deduction from his costs should be made or that he should pay a part of the Collector's costs

Collector may be directed to pay interest on excess compensation

28 If the sum which in the opinion of the Court the Collector ought to have awarded as compensation is in excess of the sum which the Collector did award as compensation the award of the Court may direct that the Collector shall pay interest on such excess at the rate of six per centum per annum from the date on which he took possession of the land to the date of payment of such excess into Court

PART IV

Apportionment of Compensation

Particulars of apportionment to be specified

29 Where there are several persons interested if such persons agree in the apportionment of the compensation the particulars of such apportionment shall be specified in the award and as between such persons the award shall be conclusive evidence of the correctness of the apportionment

Dispute as to apportionment

30 When the amount of compensation has been settled under section 11 if any dispute arises as to the apportionment of the same or any part thereof or as to the persons to whom the same or any part thereof is payable, the Collector may refer such dispute to the decision of the Court

PART V

Payment

Payment of compensation or deposit of same in Court

31. (1) On making an award under section 11, the Collector shall tender payment of the compensation awarded by him to the persons interested entitled thereto according to the award and shall pay it to them unless prevented by some one or more of the contingencies mentioned in the next sub-section

(2) If they shall not consent to receive it or if there be no person competent to alienate the land or if there be any dispute as to the title to receive the compensation or as to the apportionment of it the Collector shall deposit the amount of the compensation in the Court to which a reference under section 18 would be submitted

Provided that any person admitted to be interested may receive such payment under protest as to the sufficiency of the amount

Provided also that no person who has received the amount otherwise than under protest shall be entitled to make any application under section 18

Provided also that nothing herein contained shall affect the liability of any person who may receive the whole or any part of any compensation awarded under this Act to pay the same to the person lawfully entitled thereto

(3) Notwithstanding anything in this section the Collector may with the sanction of the Local Government, instead of awarding a money compensation in respect of any land make any arrangement with a person having a limited interest in such land, either by the grant of other lands in exchange, the remission of land revenue on other lands held under the same title, or in such other way as may be equitable having regard to the interests of the parties concerned

(4) Nothing in the last foregoing sub-section shall be construed to interfere with or limit the power of the Collector to enter into any arrangement with any person interested in the land and competent to contract in respect thereof

Investment of money deposited in respect of lands belonging to persons incompetent to alienate

32 *(1)* If any money shall be deposited in Court under sub section *(2)* of the last preceding section and it appears that the land in respect whereof the same was awarded belonged to any person who had no power to alienate the same, the Court shall—

(*a*) Order the money to be invested in the purchase of other lands to be held under the like title and conditions of ownership as the land in respect of which such money shall have been deposited was held or

(*b*) If such purchase cannot be effected forthwith then in such Government or other approved securities as the Court shall think fit,

and shall direct the payment of the interest or other proceeds arising from such investment to the person or persons who would for the time being have been entitled to the possession of the said land and such moneys shall remain so deposited and invested until the same be applied—

(*i*) In the purchase of such other lands as aforesaid, or

(*ii*) In payment to any person or persons becoming absolutely entitled thereto

(2) In all cases of moneys deposited to which this section applies the Court shall order the costs of the following matters including therein all reasonable charges and expenses incident thereto to be paid by the Collector, namely —

(a) The costs of such investments aforesaid,

(b) The costs of the orders for the payment of the interest or other proceeds of the securities upon which such moneys are for the time being invested and for the payment out of Court of the principle of such moneys and of all proceedings relating thereto except such as may be occasioned by litigation between adverse claimants

Investment of money deposited in other cases

33 When any money shall have been deposited in Court under this Act for any cause other than that mentioned in the last preceding section the Court may on the application of any party interested or claiming an interest in such money order the same to be invested in such Government or other approved securities as it may think proper and may direct the interest or other proceeds of any such investment to be accumulated and paid in such manner as it may consider will give the parties interested therein the same benefit therefrom as they might have had from the land in respect whereof such money shall have been deposited or as near thereto as may be

Payment of interest

34 When the amount of such compensation is not paid or deposited on or before taking possession of the land the Collector shall pay the amount awarded with interest thereon at the rate of six per centum per annum from the time of so taking possession until it shall have been so paid or deposited

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PART VI

TEMPORARY OCCUPATION OF LAND

Temporary occupation of waste or arable land procedure when difference as to compensation exists

35 (1) Subject to the provisions of Part VII of this Act whenever it appears to the Local Government that the temporary occupation and use of any waste or arable land are needed for any public purpose or for a Company, the Local Government may direct the Collector to procure the occupation and use of the same for such term as it shall think fit not exceeding three years from the commencement of such occupation

(2) The Collector shall thereupon give notice in writing to the persons interested in such land of the purpose for which the same is needed and shall for the occupation and use thereof for such term as aforesaid and for

the materials (if any) to be taken therefrom pay to them such compensation either in a gross sum of money or by monthly or other periodical payments as shall be agreed upon in writing between him and such persons respectively

(3) In case the Collector and the persons interested differ as to the sufficiency of the compensation apportionment thereof the Collector shall refer such difference to the decision of the Court

36 (1) On payment of such compensation or on executing such agreement or on making a reference under section 35 the Collector may enter upon and take possession of the land and use or permit the use thereof in accordance with the terms of the said notice — Power to enter and take possession and compensation on restoration

(2) On the expiration of the term the Collector shall make or tender to the persons interested compensation for the damage (if any) done to the land and not provided for by the agreement and shall restore the land to the persons interested therein

Provided that if the land has become permanently unfit to be used for the purpose for which it was used immediately before the commencement of such term and if the persons interested shall so require the Local Government shall proceed under this Act to acquire the land as if it was needed permanently for a public purpose or for a Company

37. In case the Collector and persons interested differ as to the condition of the land at the expiration of the term or as to any matter connected with the said agreement, the Collector shall refer such difference to the decision of the Court — Difference as to condition of land

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PART VII

Acquisition of Land for Companies

38 (1) Subject to such rules as the Governor General of India in Council may from time to time prescribe in this behalf the Local Government may authorize any officer of any Company desiring to acquire land for its purposes to exercise the powers conferred by section 4 — Company may be authorized to enter and survey

(2) In every such case section 4 shall be construed as if for the words "for such purpose" the words "for the purposes of the Company" were substituted and section 5 shall be construed as if after the words 'the officer' the words 'of the Company' were inserted

Previous consent of Local Government and execution of agreement necessary

39. The provisions of sections 6 to 37 (both inclusive) shall not be put in force in order to acquire land for any Company, unless with the previous consent of the Local Government, nor unless the Company shall have executed the agreement hereinafter mentioned.

Previous enquiry

40. (1) Such consent shall not be given until the Local Government be satisfied, by an enquiry held as hereinafter provided,—

(*a*) That such acquisition is needed for the construction of some work, and

(*b*) That such work is likely to prove useful to the public.

(*2*) Such enquiry shall be held by such officer and at such time and place as the Local Government shall appoint.

(*3*) Such officer may summon and enforce the attendance of witnesses and compel the production of documents by the same means and, as far as possible, in the same manner as is provided by the Code of Civil Procedure in the case of a Civil Court

Agreement with Secretary of State in Council.

41. Such officer shall report to the Local Government the result of the enquiry, and, if the Local Government is satisfied that the proposed acquisition is needed for the construction of a work, and that such work is likely to prove useful to the public, it shall, subject to such rules as the Governor-General of India in Council may from time to time prescribe in this behalf, require the Company to enter into an agreement with the Secretary of State for India in Council, providing to the satisfaction of the Local Government for the following matters namely —

(*1*) The payment to Government of the cost of the acquisition,
(*2*) The transfer, on such payment, of the land to the Company,
(*3*) The terms on which the land shall be held by the Company;
(*4*) The time within which, and the conditions on which, the work shall be executed and maintained, and
(*5*) The terms on which the public shall be entitled to use the work.

Publication of agreement

42. Every such agreement shall, as soon as may be after its execution, be published in the Gazette of India, and also in the local official Gazette, and shall thereupon (so far as regards the terms on which the public shall be entitled to use the work) have the same effect as if it had formed part of this Act

Sections 39 to 42 not to apply where Government bound by agreement to provide land for Companies.

43. The provisions of sections 39 to 42, both inclusive, shall not apply, and the corresponding sections of the Land Acquisition Act, 1870, shall be deemed never to have applied to the acquisition of land for any Railway or other Company, for the purposes of which, under any agreement between such Company and the Secretary of State for India in Council, the Government is, or was, bound to provide land.

44 In the case of the acquisition of land for the purposes of a Railway Company, the existence of such an agreement as is mentioned in section 43 may be proved by the production of a printed copy thereof purporting to be printed by order of Government

How agreement between Railway Company and Secretary of State may be proved

PART VIII

MISCELLANEOUS

45 (1) Service of any notice under this Act shall be made by delivering or tendering a copy thereof signed, in the case of a notice under section 4 by the officer therein mentioned, and, in the case of any other notice, by or by order of the Collector or the Judge

Service of notices

(2) Whenever it may be practicable, the service of the notice shall be made on the person therein named

(3) When such person cannot be found, the service may be made on any adult male member of his family residing with him, and if no such adult male member can be found, the notice may be served by fixing the copy on the outer door of the house in which the person therein named ordinarily dwells or carries on business, or by fixing a copy thereof in some conspicuous place in the office of the officer aforesaid, or of the Collector, or in the Court house, and also in some conspicuous part of the land to be acquired

Provided that, if the Collector or Judge shall so direct, a notice may be sent by post, in a letter addressed to the person named therein at his last known residence, address or place of business and registered under Part III of the Indian Post Office Act, 1866, and service of it may be proved by the production of the addressee's receipt

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46 Whoever wilfully obstructs any person in doing any of the acts authorized by section 4 or section 8 or wilfully fills up, destroys damages or displaces any trench or mark made under section 4 shall, on conviction before a Magistrate, be liable to imprisonment for any term not exceeding one month, or to fine not exceeding fifty rupees, or to both

Penalty for obstructing acquisition of land

47. If the Collector is opposed or impeded in taking possession under this Act of any land, he shall, if a Magistrate, enforce the surrender of the land to himself, and, if not a Magistrate, he shall apply to a Magistrate or (within the towns of Calcutta, Madras and Bombay) to the Commissioner of Police, and such Magistrate or Commissioner (as the case may be) shall enforce the surrender of the land to the Collector

Magistrate to enforce surrender

Completion of acquisition not compulsory, but compensation to be awarded when not completed

48. (*1*) Except in the case provided for in section 36, the Government shall be at liberty to withdraw from the acquisition of any land of which possession has not been taken

(*2*) Whenever the Government withdraws from any such acquisition, the Collector shall determine the amount of compensation due for the damage suffered by the owner in consequence of the notice or of any proceedings thereunder and shall pay such amount to the person interested, together with all costs reasonably incurred by him in the prosecution of the proceedings under this Act relating to the said land

(*3*) The provisions of Part III of this Act shall apply, so far as may be to the determination of the compensation payable under this section

Acquisition of part of house or building

49 (*1*) The provisions of this Act shall not be put in force for the purpose of acquiring a part only of any house, manufactory or other building, if the owner desire that the whole of such house manufactory or building shall be so acquired

Provided that the owner may, at any time before the Collector has made his award under section 11 by notice in writing, withdraw or modify his expressed desire that the whole of such house, manufactory or building shall be so acquired

Provided also that if any question shall arise as to whether any land proposed to be taken under this Act does or not form part of a house, manufactory or building within the meaning of this section the Collector shall refer the determination of such question to the Court and shall not take possession of such land until after the question has been determined

In deciding on such a reference the Court shall have regard to the question whether the land proposed to be taken is reasonably required for the full and unimpaired use of the house manufactory or building

(*2*) If in the case of any claim under section 23 *sub section (1) thirdly*, by a person interested, on account of the severing of the land to be acquired from his other land the Local Government is of opinion that the claim is unreasonable or excessive it may, at any time before the Collector has made his award order the acquisition of the whole of the land of which the land first sought to be acquired forms a part

(*3*) In the case last hereinbefore provided for, no fresh declaration or other proceedings under sections 6 to 10 both inclusive shall be necessary, but the Collector shall without delay furnish a copy of the order of the Local Government to the person interested and shall thereafter proceed to make his award under section 11

50 (1) Where the provisions of this Act are put in force for the purpose of acquiring land at the cost of any fund controlled or managed by a local authority or of any Company, the charges of and incidental to such acquisition shall be defrayed from or by such fund or Company Acquisition of land at cost of a local authority or Company

(2) In any proceeding held before a Collector or Court in such cases the local authority or Company concerned may appear and adduce evidence for the purpose of determining the amount of compensation

Provided that no such local authority or Company shall be entitled to demand a reference under section 18

51 No award or agreement made under this Act shall be chargeable with stamp-duty and no person claiming under any such award or agreement shall be liable to pay any fee for a copy of the same. Exemption from stamp duty and fees

52. No suit or other proceeding shall be commenced or prosecuted against any person for anything done is pursuance of this Act, without giving to such person a month's previous notice in writing of the intended proceeding, and of the cause thereof, nor after tender of sufficient amends Notice in case of suits for anything done in pursuance of Act.

53 Save in so far as they may be inconsistent with anything contained in this Act, the provisions of the Code of Civil Procedure shall apply to all proceedings before the Court under this Act Code of Civil Procedure to apply to proceedings before Court

54 Subject to the provisions of the Code of Civil Procedure applicable to appeals from original decrees an appeal shall lie to the High Court from the award or from any part of the award of the Court in any proceedings under this Act Appeals in proceedings before Court

55 (1) The Local Government shall have power to make rules consistent with this Act for the guidance of officers in all matters connected with its *enforcement, and may from time to time alter and add to the rules so made* Power to make rules

(2) The power to make alter and add to rules under sub section (1) shall be subject to the condition of the rules being made, altered, or added to after previous publication

(3) All such rules, alterations and additions shall, when sanctioned by the Governor General in Council, be published in the official Gazette, and shall thereupon have the force of law

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[a] NOTIFICATION No 806, *dated 23rd November 1878*

Under section 3, Act X of 1870 [b] (Land Acquisition) the Chief Commissioner of Ajmere Merwara is pleased to appoint the Assistant Commissioners of Ajmere and Merwara to perform the functions of a Collector under that Act

[a] See Rajputana Official Gazette 30th November 1878 p 263

[b] The reference should now be read as section 2 [c] of Act I of 1894 (Land Acquisition Act)

[a] No 526 351, *dated the 19th May 1886*

Under the provisions of [b] section 7, Act X of 1870 (Land Acquisition), the Chief Commissioner of Ajmere Merwara is pleased to direct that whenever any land subject to his jurisdiction shall have been declared under the Act to be needed for a public purpose or for a Company, the Commissioner of Ajmere-Merwara may direct the Collector to take order for the acquisition of such land

[a] See Gazette, of India part II dated the 29th May 1886 page 349

[b] The reference is now to be read as section 7, Act I of 1894 (Land Acquisition Act) by which Act X of 1870 was repealed—see section 2 of the former Act

LAND AND REVENUE.

LEGISLATIVE DEPARTMENT

NOTIFICATION

Published in "Gazette of India," dated 3rd November 1877

SIMLA, *the 31st October 1877.*

No. 35.—WHEREAS by Resolution passed by the Secretary of State for India in Council, on the sixteenth day of March 1871, the provisions of the thirty-third of Victoria, chapter three, section one, were declared applicable to Ajmere and Merwara;

And whereas the Chief Commissioner of Ajmere has proposed to the Governor-General in Council, a draft of the following Regulation, together with the reasons for proposing the same;

And whereas the Governor General in Council has taken such draft and reasons into consideration, and has approved of such draft, and the same has received the Governor-General's assent;

In pursuance of the directions contained in the said section, the said Regulation is now published in the *Gazette of India* :—

REGULATION No II of 1877

THE AJMERE LAND AND REVENUE REGULATION, 1877.

CONTENTS

(C) —Of Istimrari Estates

(D) —Of Bhum

(E)—Of holdings wholly or partially exempt from Assessment and of Revenue assignments generally

SECTIONS

(F)—Of Ex-proprietary Tenants, and other Tenants, with Rights of Occupancy

(G)—Provisions for the Division of Crops and the estimating of produce between Landlord and Tenant

(H)—Of ejecting Tenants

(I)—Of relinquishment by a Tenant.

PART III

OF LAND REVENUE SETTLEMENTS

(A)—Of the Assessment of the Land-revenue

(D) —Attachment of the Estate without Cancellation of the Settlement, Leases, &c

REGULATION No II of 1877

A Regulation to declare and amend the law relating to certain interests in land and to the assessment and collection of Land-revenue in Ajmere and Merwara

(Published in the Gazette of India, 1877, *Part I, p* 623, *and in the Rajputana Official Gazette,* 1878, *p* 32 *)*

Preamble WHEREAS it is expedient to declare and amend the law relating to certain interests in land, and to the assessment and collection of Land-revenue in Ajmere and Merwara, It is hereby enacted as follows —

PART I

PRELIMINARY

Short title 1 This Regulation may be called the Ajmere Land and Revenue Regulation, 1877

Local extent It extends to all the territories now under the administration of the Chief Commissioner of Ajmere, and subject to the provisions of the 33 Vict, chap 3, section 1, [a]

Commencement And it shall come into operation on such date [b] as the said Chief Commissioner, with the previous sanction of the Governor General in Council may, by notification in the Gazette of India, direct

Interpretation clause 2 In this Regulation, unless there is something repugnant in the subject or context—

(a) "Agricultural year" means the year beginning on the first of June

(b) "Collector" means any officer appointed by the Chief Commissioner to discharge the functions of a Collector under this Regulation in any part of the said territories [c]

(c) "Revenue-officer" includes—

(1) The Commissioner of Ajmere when acting under this Regulation or under any rule made under this Regulation,

(2) A Collector, and

(3) Any person whom the Chief Commissioner, subject to the control of the Governor General in Council, may from time to time appoint by name or by office to do anything required by this Regulation to be done by a Revenue-officer, or anything to be done by a Government officer under this Regulation or under any rule made under this Regulation, and for the doing of which no agency is specially provided by this Regulation

(d) "Malguzar" means a person liable under section 64 for the payment of the revenue assessed upon an estate

(e) "Section" means a section of this Regulation

[a] Printed in the collection of Statutes relating to India Ed 1881, Vol II p 878
[b] The 1st January, 1878—see Rajputana Official Gazette, 1877, p 290
[c] Words repealed by Reg 1 of 1888, S 2 are omitted

PART II

Of certain Interests in Land

(A)—Of certain Rights of the Government

3 Except in the case of lands in respect of which Istimrari Sanads have been granted by the Chief Commissioner, with the previous sanction of the Governor-General in Council, the Government shall be presumed, until the contrary is proved— Rights of Government in regard to mines and quarries

(a) To be the sole owner of all mines, opened and unopened, of metal, coal and other valuable minerals, with full liberty to search for and work the same

(b) To be entitled to take free, or authorize persons who have entered into any contract with it to take free, from any quarry, whether previously worked or not, as much stone, kankar, gravel, sand or other like substance as is needed for any public purpose

Provided that, whenever in the exercise by the Government of the rights herein referred to over any land damage is caused to any person whose rights are infringed by the occupation or disturbance of the surface of such land, the Government shall pay to such person such amount of compensation for the damage so caused as may be determined by the Revenue Officer

Provided also, that nothing herein contained shall affect the concession made in respect of mines and quarries in State forests by section 6 of the Ajmere Forest Regulation 1874 [a]

4 The soil of all Tanks constructed by the Government, including the embankments of the same, shall be deemed to be the property of Government Rights in regard to Tanks

5 The Government shall be presumed until the contrary is proved to be entitled to the exclusive use and control of the water of all rivers and streams flowing in natural channels and of all natural collections of water, and of all tanks constructed by the Government [b] Rights in regard to waters

6 No person shall make use of the pasturage or other natural product of any land being the property of the Government, except with the permission of the Revenue-officer and subject to such rules as may from time to time be prescribed by the Chief Commissioner Use of Government pasturage, &c

(B)—Of Co ownership and Partition

7 Any one of the proprietary body of any village who, with the consent of a majority of such body, permanently improves any common land in such Rights of villagers over common lands of village

[a] Printed under head "Forests"

[b] See further, Regulation VIII of 1887, under head "Irrigation"

Costs of partition

19 The cost of making the surveys requisite for and preparing the records of a partition of any land shall be determined by the Revenue officer, and recovered from the sharers in such land in such proportions as he may direct

(C)—Of Istimrari Estates

"Istimrari estate" defined

20 "Istimrari estate" means an estate in respect of which an Istimrari Sanad has been granted before the passing of this Regulation, by the Chief Commissioner with the previous sanction of the Governor General in Council

"Istimrardar" defined

Istimrardar means the person to whom such Sanad has been granted, or any other person who becomes entitled to the istimrari estate in succession to him as hereinafter provided

Tenants on istimrari estates

21 All tenants of any land, whether culturable or not, comprised in an istimrari estate, shall be presumed, until the contrary is proved, to be tenants at-will

Alienation of istimrari estates

22 No Istimrardar shall—

(a) Permanently alienate his istimrari estate or any portion thereof by sale, gift, or otherwise, except under the law for the time being in force relative to the acquisition of land for public purposes, or

(b) Alienate or charge such estate or any portion thereof by lease, mortgage, or otherwise for any term extending beyond his own life except by way of giving security for an advance under the Land Improvement Loans Act, XIX of 1883 [a] or other law for the time being in force relative to advances of money by Government for the improvement of land XI 18

Any alienation made or charge created in contravention of the prohibition herein contained shall be void

Succession to estate where there is male issue

23 When an Istimrardar dies leaving sons or male issue descended from him through males only whether by birth or adoption, or when after the death of an Istimrardar his widow has power to adopt and adopts a son to him, the istimrari estate shall devolve as nearly as may be according to the custom of the family of the deceased

Provided—

Rule of primogeniture

1st—That the descent shall in all cases be to a single heir, according to the rule of primogeniture,

What adoptions valid

2nd—That no adoption shall be deemed valid unless it is made by a written document deposited with the Collector or the Registrar of the district,

[a] The reference to Act XXVI of 1871 is altered in accordance with Act XIX of 1883, S 2.

3rd—That no adoption made by a widow shall be deemed valid until confirmed by the Governor General in Council

Adoption by widow

24 Any question as to the right to succeed to an istimrari estate arising in a case not provided for by section 23 shall be decided by the Governor General in Council or by such officer as he may appoint in this behalf

Succession to estate when there is no male issue

Provided that the Governor General in Council if he thinks fit instead of deciding such question himself or appointing any officer to decide the same may grant to any person claiming to succeed as aforesaid a certificate declaring that the matter is one proper to be determined by a Civil Court

The person to whom such certificate is granted may institute a suit to establish his right in any Court otherwise competent under the law for the time being in force to try the same and such Court may upon the production of such certificate before it entertain such suit

25 All claims for maintenance or to hold land in lieu of maintenance against an Istimrardar by any member of his family shall be preferred through the Commissioner to the ~~Chief Commissioner~~ Provincial Govt whose decision thereon shall be conclusive

Claims for maintenance against Istimrardar

26 When land situate in an istimrari estate is to be acquired under the Land Acquisition Act 1870 [a] for the purpose of constructing a railway or for any other object which in the opinion of the Chief Commissioner may reasonably be expected to improve the value of such estate—

Expropriation in istimrari estate

1st—The determination of the Collector under section 11 of that Act as to the amount of compensation to be allowed for such land shall be final and conclusive

Collector's valuation final

2nd—In arriving at such determination the Collector instead of taking into consideration the market value of such land as required by sections 13 and 24 of that Act shall fix the value of such land in manner following that is to say—

Such valuation how made

(*a*) When such land is cultivated he shall ascertain the amount of revenue which would be assessed on such land if it were being fully assessed to land revenue under the law for the time being in force and shall allow *twenty times* the amount so ascertained and when such land is uncultivated he shall notwithstanding the existence of any custom by which such land would be given free of charge ascertain the amount of revenue which would be assessed on such land if it were

When the land is cultivated

When it is uncultivated

[a] Repealed by Act of 1894

Costs of partition

19 The cost of making the surveys requisite for and preparing the records of a partition of any land shall be determined by the Revenue officer and recovered from the sharers in such land in such proportions as he may direct

(C)—Of Istimrari Estates

'Istimrari estate' defined

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Tenants on istimrari estates

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(*a*) Permanently alienate his istimrari estate or any portion thereof b sale gift or otherwise *except under the law for the time being in forc* relative to the acquisition of land for public purposes, or

(*b*) Alienate or charge such estate or any portion thereof by leas mortgage or otherwise for any term extending beyond his own life excep by way of giving security for an advance under the Land Improvement Loan Act XIX of 1883 [a] or other law for the time being in force relative t advances of money by Government for the improvement of land

Any alienation made or charge created in contravention of the prohibi tion herein contained shall be void

Succession to estate where there is male issue

23 When an Istimrardar dies leaving sons or male issue descendec from him through males only whether by birth or adoption or when afte the death of an Istimrardar his widow has power to adopt and adopts a son to him the istimrari estate shall devolve as nearly as may be according to the custom of the family of the deceased

Provided—

Rule of primogeniture

1st—That the descent shall in all cases be to a single heir according to the rule of primogeniture

What adoptions valid

2nd—That no adoption shall be deemed valid unless it is made by a written document deposited with the Collector or the Registrar of the district

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[a] The reference to Act XXVI of 1871 is altered in accordance with Act XIX of 1883 S 2

3rd—That no adoption made by a widow shall be deemed valid until confirmed by the Governor General in Council. *Adoption by widow*

24. Any question as to the right to succeed to an istimrari estate arising in a case not provided for by section 23 shall be decided by the Governor General in Council or by such officer as he may appoint in this behalf. *Succession to estate when there is no male issue*

Provided that the Governor General in Council, if he thinks fit, instead of deciding such question himself or appointing any officer to decide the same may grant to any person claiming to succeed as aforesaid a certificate declaring that the matter is one proper to be determined by a Civil Court.

The person to whom such certificate is granted may institute a suit to establish his right in any Court otherwise competent under the law for the time being in force to try the same, and such Court may upon the production of such certificate before it entertain such suit.

25. All claims for maintenance or to hold land in lieu of maintenance against an Istimrardar by any member of his family shall be preferred through the Commissioner to the ~~Chief Commissioner~~ Provincial Govt whose decision thereon shall be conclusive. *Claims for maintenance against Istimrardar*

26. When land situate in an istimrari estate is to be acquired under the Land Acquisition Act 1870 [a] for the purpose of constructing a railway or for any other object which in the opinion of the Chief Commissioner may reasonably be expected to improve the value of such estate— *Expropriation in istimrari estate*

1st—The determination of the Collector under section 11 of that Act as to the amount of compensation to be allowed for such land shall be final and conclusive. *Collector's valuation final*

2nd—In arriving at such determination the Collector, instead of taking into consideration the market value of such land as required by sections 13 and 24 of that Act, shall fix the value of such land in manner following, that is to say— *Such valuation how made*

(*a*) When such land is cultivated he shall ascertain the amount of revenue which would be assessed on such land if it were being fully assessed to land revenue under the law for the time being in force and shall allow *twenty times* the amount so ascertained; and when such land is uncultivated he shall, notwithstanding the existence of any custom by which such land would be given free of charge, ascertain the amount of revenue which would be assessed on such land if it were *When the land is cultivated* *When it is uncultivated*

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[a] Repealed by Act of 1894.

cultivated, and were being fully assessed as aforesaid and shall allow *three times* the amount so ascertained,

When there are trees buildings or works

(b) He shall allow besides the amount allowed under clause (a) such further amount in respect of any trees and of any wells, tanks, embankments, houses, and other works and buildings on such land as under all the circumstances of the case he may deem fair and reasonable

Valuation may be made in absence of parties

3rd—He may determine the amount of such compensation notwithstanding that no person interested in such land has appeared before him in pursuance of the notice issued by him under section 9 of the said Act

Vesting of land in Government

4th—When he has determined the amount of such compensation, he may take possession of the land which shall thereupon vest absolutely in the Government free from all encumbrances

Payment of compensation

5th.—On determining the amount of compensation he may pay that amount to the persons whom he deems entitled thereto, but nothing herein contained shall affect the liability of any person who may receive the whole or any part of such compensation to pay the same to the person lawfully entitled thereto

Certain sections of Act X of 1870 inapplicable

6th—Sections 14 to 16 (both inclusive) sections 18 to 23 (both inclusive) and sections 26 to 42 (both inclusive) of the said Land Acquisition Act 1870 [a] shall not apply to the cases herein referred to

Remainder of Act to apply

7th—Except as hereinbefore provided the provisions of that Act, so far as they may be applicable consistently with the provisions hereinbefore contained shall apply to such cases

Privileges of Istimrardars in criminal proceedings

27. No criminal proceeding against any Istimrardar shall be instituted except in the Court of the Magistrate of the district, or in that of the Sessions Judge,

And no such proceeding shall be instituted in either of the said Courts without the previous sanction of the Chief Commissioner

Provided that a Magistrate of the district or the Sessions Judge may allow any such proceeding to be instituted in his Court without such sanction when he thinks for reasons to be recorded by him in writing that the immediate institution of such proceeding is necessary to prevent a failure of justice

The Chief Commissioner may quash any proceeding the institution of which has been so allowed without his sanction

[a] Repealed by Act I of 1894

In civil and revenue proceedings.

28 No Istimrardar shall be arrested in execution of any process of any Civil or Revenue Court, except with the previous sanction of the Chief Commissioner

Decrees for money not to be executed after death of Istimrardar or passed against his representative.

29 Notwithstanding anything contained in section 234 or section 252 of the Code of Civil Procedure [a] or in any other enactment in force at the time this Regulation is passed —

No decree for money against an Istimrardar shall be executed after his death, and no decree for money shall be passed against any person as the representative of a deceased Istimrardar

Provided that nothing herein contained shall prevent the enforcement of a lien or other charge against any property not being part of an Istimrari estate.

Estates for which Istimrari Sanads granted after passing of Regulation

30 The Chief Commissioner may with the previous sanction of the Governor General in Council, direct that all or any of the provisions of sections 22 to 29 (both inclusive) shall apply in the case of any estate in respect of which an Istimrari Sanad may be granted by such Chief Commissioner with the sanction of the Governor General in Council after the passing of this Regulation

D.—Of Bhum

'Bhum.'

31 Bhum means land in respect of which a Bhum Sanad may have been granted, whether before or after the passing of this Regulation by the Commissioner, with the sanction of the Governor General in Council

Proprietary right in Bhum.

32 No person shall be deemed to have any proprietary right in such land except the persons named in such Sanad and their successors in interest thereunder

Succession to Bhum where there is male issue

33. When a Bhumia dies leaving sons or male issue descended from him through males only whether by birth or adoption or when after the death of a Bhumia his widow has power to adopt a son to him the Bhum shall devolve according to the custom of the family

Succession to Bhum when there is no male issue

34. Any question as to the right to succeed to Bhum arising in a case not provided for by section 33 shall be decided by the Governor General in Council or by such officer as he may appoint in this behalf

Provided that the Governor General in Council if he thinks fit instead of deciding such question himself or appointing any officer to decide the same may grant to any person claiming to succeed as aforesaid a certificate declaring that the matter is one proper to be determined by a Civil Court

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[a] The reference to Act VIII of 1859 ss 206 210 and 211 is altered in accordance with Act XIV of 1882 s 3 (For Act XIV of 1882 see the revised edition as modified up to 1st July 1888 published by the Legislative Department)

The person to whom such certificate is granted may institute a suit to establish his right in any Court otherwise competent under the law for the time being in force to try the same, and such Court may, upon the production of such certificate before it, entertain such suit

Claims for maintenance against Bhumia

35 All claims for maintenance or to hold land in lieu of maintenance against a Bhumia by any member of his family shall be preferred through the Commissioner to the Chief Commissioner, whose decision shall be conclusive

Restrictions on alienation and charging

36 Except under the law for the time being in force relative to the acquisition of land for public purposes, no person holding under a Bhum Sanad shall alienate or charge the Bhum or his share thereof, by sale gift, lease, mortgage, or otherwise, to or in favour of any person not being a co-sharer holding under the same Sanad

Any alienation made or charge created in contravention of the prohibition herein contained, shall be void.

(E)—Of holdings wholly or partially exempt from Assessment and of Revenue assignments generally

No exception or assignment except under Sanad

37 No person shall be deemed entitled to any exemption total or partial, from the Land revenue assessment or to any assignment of Land revenue except under a Sanad granting or recognizing such exemption or assignment issued by or under the authority of the Chief Commissioner as hereinafter provided

Power to grant or recognize exemptions and assignments

38 It shall be *in the discretion of the Chief Commissioner, subject to* such limitations as may be prescribed by the Governor General in Council, to grant or recognize, either absolutely or subject to conditions, any such exemptions or assignments

Question whether right to exemption or assignment has determined

39 If any question arises as to whether any event on which any such exemption or assignment is determinable has occurred, or as to whether any condition subject to which such exemption or assignment may have been granted or recognized has been fulfilled, the decision of the Chief Commissioner thereon shall, subject only to an appeal to the Governor General in Council, be conclusive

Conditions regarding alienation charging succession and maintenance

40 If in granting or recognizing any exemption from the Land revenue assessment in favour of the owner of any land, the Chief Commissioner, with the previous sanction of the Governor General in Council, makes it a condition

of his grant or recognition that all or any of the rules regarding alienation, charging succession, or maintenance prescribed for istimrari estates by sections 22 to 25 inclusive, and for Bhum by sections 34 to 36 inclusive, or any other special rules regarding alienation, charging, succession or maintenance shall apply to such land,

And the then owner of such land accepts the grant or recognition on such condition,

Such rules shall thenceforward apply to such land

(F)—Of Ex proprietary Tenants and other Tenants with Rights of Occupancy X

41 Any person who may have, whether before or after the passing of this Regulation, lost or parted with his proprietary rights in any holding, either temporarily or permanently, and has since continued in occupation of any of the lands comprised in such holding, which, as proprietor, he retained under his own cultivation, shall have a right of occupancy in such lands at a rent of five annas four pies in the rupee less than the prevailing rate payable by tenants at-will for lands of similar quality and with similar advantages in the neighbourhood Ex proprietary tenants.

Such persons are hereinafter called 'ex proprietary tenants.'

Any agreement executed whether before or after the passing of this Regulation, by an ex proprietary tenant to pay a higher rate of rent than that prescribed by this section, shall be void

42 When the rent of an ex proprietary or other occupancy tenant of any land *has not been fixed at Settlement, or when the rent was then fixed, but* the term for which it was then fixed has expired such tenant or his landlord may apply to the Revenue Officer to fix the rent of such land Applications to fix rent

43 On receiving such application, the Revenue Officer shall ascertain the productive powers of such land and proceed to determine the rent payable by such tenant— Procedure thereon

(*a*) Where such tenant is not an ex-proprietary tenant—at the prevailing rate paid by similar tenants for land of a similar quality with similar advantages in the neighbourhood,

(*b*) Where such tenant is an ex proprietary tenant—at the rate payable by such tenant under the provisions of section 41

44 When the rent of any occupancy tenant has been fixed at Settlement, or under section 43, the landlord may, during the term for which it Grounds of enhancement during term for which rent fixed.

has been so fixed, apply to the Revenue Officer to enhance the rent of such tenant on any of the following grounds and on no other —

(*a*) That the quantity of land held by such tenant has been increased by alluvion, or has been proved by measurement to be greater than the quantity for which rent has been previously paid by him,

(*b*) That the value of the produce of such land has risen, or the productive powers of such land have been increased, otherwise than by the agency or at the expense of the tenant

Grounds of abatement during same

45 Any occupancy tenant whose rent has been fixed as aforesaid may, during the term for which it has been so fixed apply to the Revenue Officer for an abatement of his rent on any of the following grounds, and on no other —

(*a*) That the area of the land held by him has been diminished by diluvion or has been proved by measurement to be less than the quantity for which rent has been previously paid by him,

(*b*) That the value of the produce of such land has fallen, or the productive powers of such land have been decreased by any cause beyond his control

Enhancement and abatement orders when to take effect.

46. Every order for enhancement or abatement of rent made under section 44 or section 45 shall take effect from the commencement of the agricultural year next following the date of such order

Changes from money to kind rents and *vice versa*

47. No change of the method of paying rent from money to kind, or from kind to money, shall be ordered without the consent of both the landlord and the tenant

Provided that the Collector may, where a dispute arises between an ex proprietary tenant and his landlord, commute rent payable by such tenant in kind to rent in money

(G)—Provisions for the Division of Crops and the estimating of Produce between Landlord and Tenant

Power to divide crop

48. When the rent of any land is payable by division of a crop grown on such land the Revenue Officer may, on application being made either by the landlord or by the tenant when such crop is ripe proceed to such land on a day of which notice shall be given to both parties and cause such crop to be cut or gathered and divided in accordance with the share to which, upon such enquiry as he deems fit to make it appears to him the parties are respectively entitled

49. If owing to an error of such Revenue Officer either party in such division receives less than the share to which he is entitled, such party may, within three months from the date on which such division is completed, institute a suit against the other party to recover the value of the additional portion of the crop due to him, at the price which prevailed on such date

Remedy for error in division

If no such suit is instituted within the said period of three months, the division shall for all purposes be deemed to have been rightly made

50. When the rent of any land is to be determined by an estimate of a crop standing on such land the Revenue Officer may on an application being made either by the landlord or by the tenant when such crop is ripe, proceed to such land on a day of which notice shall be given to both parties, and determine the yield of such crop in manner following, that is to say—

Power to estimate standing crop

(*a*) Each of the parties shall appoint an arbitrator, and the Revenue Officer shall appoint a third arbitrator,

(*b*) If either party fails to attend or appoint an arbitrator, the Revenue Officer may appoint an arbitrator for him,

(*c*) The arbitrators thus appointed shall inspect the crop and if any two of them agree in their estimate thereof, the Revenue Officer shall declare the rent to be payable in accordance with such estimate,

(*d*) If no two of the arbitrators agree in their estimate the Revenue Officer shall, after inspecting the crop make his own estimate thereof and declare the rent to be payable in accordance therewith

51. Either party may, within three months from the date on which a declaration is made under section 50, institute a suit against the other party to set aside such declaration on the ground that the estimate on which it is based was made in bad faith and on no other ground

Remedy when estimate is made in bad faith

If no such suit is instituted within the period thus limited such declaration shall be for all purposes final and conclusive

(II)—Of Ejecting Tenants

52 No tenant with a right of occupancy or holding under an unexpired lease shall be ejected otherwise than in execution of a decree for ejectment, or as provided in section 54 and no ex proprietary tenant shall be ejected in either of these modes without the sanction of the Commissioner previously obtained

Certain tenants to be ejected only in execution of decree

Mode of ejecting other tenants

53 If a landlord desire to eject a tenant not being a tenant of any of the classes referred to in section 52, he may cause a written notice of ejectment to be served on such tenant not less than one month before the commencement of any agricultural year

If the tenant does not quit the land before the commencement of such year, the landlord may present an application to the Revenue Officer for assistance to eject The Revenue Officer if satisfied—

(1) That the tenant is not a tenant of any of the classes referred to in section 52 and

(2) That the notice of ejectment was served as hereinbefore required, may order the ejectment of such tenant

Ejectment in execution of a decree for arrears

54 Any tenant may be ejected under an order of the Court executing a decree against him for an arrear of rent if such decree has remained unsatisfied for the period of one month from the date of any application for execution of the same

Compensation claimable by tenant ejected

55 No tenant shall be ejected under section 52, 53 or 54 from any land on which he has effected any permanent improvement by sinking a well, constructing an embankment, planting, draining or otherwise unless and until he has been paid by the landlord the value of such improvement at the date of ejectment, such value to be determined, in case the parties differ, by order of the Revenue Officer

(I)—Of Relinquishment by a Tenant

When tenant at will may relinquish

56 Except as may be otherwise provided by any contract, the rent paid by a tenant at will in any agricultural year in respect of any land, shall continue payable by him during the succeeding agricultural year, unless such tenant, three months before the commencement of such succeeding year, gives notice to his landlord of his intention to relinquish such land or unless his landlord before the end of such succeeding year ejects him from such land or lets the same to some other person.

PART III

Of Land Revenue Settlements

(A)—Of the Assessment of the Land Revenue

Offer of settlement of estate owned by one person.

57 When the estate in respect of which a settlement is to be made is owned by one person, the settlement shall be offered to that person

58 When such estate is owned by several persons, the settlement may be offered to such persons or to their lambardars or other representatives

Estate owned by several persons

59 The term for which a settlement is to be made shall be fixed by the Chief Commissioner with the previous sanction of, or under such rules as may from time to time be prescribed by the Governor-General in Council

Term for which settlement is made.

60 When the Revenue Officer in charge of the settlement has satisfied himself as to the amount at which, under such rules as may from time to time be made in this behalf by the Chief Commissioner, an estate should be assessed, he shall declare the same to the persons to whom the settlement of such estate is to be offered

Declaration of terms to person to be offered settlement

61 If such persons agree to the assessment so proposed, their agreement shall be reduced to writing and signed by them, and they and those (if any) whom they represent shall become liable from the date of such agreement, or from such subsequent date as the Chief Commissioner may direct, for the payment of the amount of such assessment

Effect of acceptance of offer

But no assessment shall be considered final as against the Government until it has been sanctioned by the Governor-General in Council

Sanction requisite to bind Government.

62 If such persons refuse to accept the proposed assessment, the Revenue Officer in charge of the settlement may exclude such persons and those (if any) whom they represent from their estate, and may make a settlement of such estate with any other persons, or may take such estate under direct management

Exclusion of proprietors refusing to accept offer

The period of such exclusion shall in no case extend beyond the term of the settlement

63 All persons excluded under section 62 shall, during the period of their exclusion be entitled to a yearly allowance from the Government, the amount of which shall be fixed by the Chief Commissioner, but which shall not be less than five *per cent* or more than ten *per cent* of the net amount realized by Government from the estate from which such persons are excluded

Allowance to persons excluded

64 All persons who are bound by the agreement prescribed by section 61 and their successors in interest shall, while they continue to be owners of land in the estate to which such agreement relates, be jointly and severally liable for the payment of the whole amount of revenue assessed upon such estate

Joint and several liability

No partition of the nature of that commonly called "perfect partition" shall be made except with the previous sanction of the Chief Commissioner

"Perfect partition" when allowed

(B)—Of the Settlement record

Settlement record

65 Whenever any settlement of an estate is to be made, the Chief Commissioner may direct that, in addition to the written agreement prescribed by section 61 a settlement record, consisting of all or any of the following documents or of any other similar documents he thinks fit, shall be prepared —

(1) A pedigree table showing all owners of land in such estate

(2) A map showing the boundaries of the village or villages comprised in such estate and the boundaries of all fields in such village or villages

(3) A statement of the owners of the fields shown in such map

(4) A statement of the occupiers of such fields, and of the status of such occupiers

(5) A statement of the amount of revenue payable as among themselves by each owner or occupier in respect of his holding

(6) A statement of persons holding land revenue free in such estate and of the lands so held

(7) A record of any customs prevailing in such estate

(8) An abstract of the proceedings at such settlement

Entries in such record how made

66 Entries in the settlement record shall be made on the basis of actual possession and existing usage, and shall be authenticated by the signature of the Revenue Officer

Proceedings to contest entry

67. Any person who considers himself aggrieved by an entry in the settlement record may appeal to the authorities to whom an appeal lies under this Regulation, or, when the entry is one in the first, third, fourth or seventh document mentioned in section 65, may, instead of so appealing or, if he prefers an appeal and is dissatisfied with the order passed thereon by any such authority bring a suit in the Civil Court against any other persons interested in such entry to have such entry amended

Entries presumed true.

68 Entries in the settlement record made in the course of a settlement and authenticated under section 66 shall be presumed to be correct till the contrary is proved

Record to be delivered to Collector, and kept up by him

69 The settlement record shall be made over to the Collector at such time as the Chief Commissioner may direct

The Collector shall, subject to any rules made under section 70 from time to time record or cause to be recorded, all facts affecting any

matters stated in the Settlement record which occur subsequently to such record being made over to him

70 The Chief Commissioner may from time to time by rule determine— Rules regarding maintenance of record

(a) What facts shall be so recorded, and the manner in which the persons by whom and the occasions on which, such facts shall be brought to notice and recorded,

(b) What fees shall be payable in respect of the recording of such facts by any persons concerned in or affected by the occurence of such facts

(C)—Miscellaneous

71 If the term for which any assessment of an estate has been made expires before a new settlement of such estate is made, all persons who continue to occupy land comprised in such estate after the expiration of such term shall hold such land upon the conditions of such assessment until a new settlement is made — Continuance of assessment

In all cases the existing record of rights shall continue in force until a new record of rights is made — of record of rights

72 Section 64 and sections 67 to 71 (both inclusive) shall so far as they may be applicable, apply to the settlement concluded in 1874 — Application of *Sections* 64 67 to 71

PART IV

OF THE COLLECTION OF THE LAND REVENUE

(A)—Time and Place for Payment of Revenue

73 The Chief Commissioner may from time to time make rules as to the instalments by which and the places and times at which the revenue payable in respect of any estate shall be paid and as to the mode in which notice of such instalments places and times shall be given to the persons concerned — Rules as to instalments and times and places of *payment*

Until the Chief Commissioner otherwise directs the practice in respect of such matters prevailing at the time this Regulation comes into operation shall continue

"Arrear," "Defaulter" 74 Any sum not paid as required by section 73 or the rules framed thereunder shall be deemed to be an arrear of Land revenue and every person liable for it shall be deemed to be a defaulter

(B)—*Arrest and Imprisonment of Defaulter*

Issue of warrant of arrest 75. When an arrear of land-revenue has accrued the Collector may issue a warrant ordering any defaulter to pay the whole or any part of such arrear within a time therein specified, and may empower an officer named in such warrant in the event of the amount demanded not being so paid, to arrest such defaulter and bring him to the Tahsil

Order to bring defaulter to district head quarters 76 If, when the time named in such warrant has expired the defaulter is brought to the Tahsil and does not either pay such amount, or the portion thereof remaining unpaid (as the case may be), or show good reason for extending the time for payment thereof, the Collector may direct him to be conveyed to the Collectors head quarters, and there kept uner personal restraint for ten days or until he pays such amount or such portion thereof within that period

Delegation to subordinate Revenue Officer of powers under sections 75 and 76 77 The Collector, with the previous sanction of the Commissioner, may empower any Revenue Officer subordinate to him, and not being of lower grade than that of Tahsildar, to exercise the powers conferred on the Collector by sections 75 and 76

Commitment to civil jail 78. If the amount named in any warrant issued under section 75 or the portion thereof remaining unpaid (as the case may be) is not paid within the period of ten days fixed by section 76, and no good reason for the delay in the payment thereof is shown the Collector may by his warrant, commit the defaulter to the Civil Jail, to be there detained for such period not exceeding six months or, if such amount or such portion thereof is more than five hundred rupees for such period not exceeding one year, from the date of such warrant, as such Collector thinks fit unless such amount or such portion thereof is sooner paid

Discharge of defaulter on enforcement of process under section 82, 87 or 93 79 Whenever any of the processes provided in sections 82, 87 and 93 is taken in respect of an arrear, any defaulter whose holding has been attached, transferred or sequestered shall, if he is in custody under section 75, 76 or 78, be forthwith discharged.

(C)—Attachment and Sale of Moveable Property

80 Instead of or in addition to the proceedings authorized by sections 75 to 78 inclusive the Collector may, in order to realize the whole or any portion of an arrear order the attachment and sale of the moveable property of any defaulter with the exception of the following that is to say —

(a) Implements and materials used in husbandry and animals kept for agricultural purposes,

(b) Implements of trade or of domestic industry, and

(c) The necessary wearing apparel of such defaulter and of his wife and children

81 Every attachment and sale ordered under section 80 shall be conducted as nearly as may be according to the law in force for the time being for the attachment and sale of moveable property in execution of a decree of a Civil Court.

(D)—Attachment of the Estate without Cancellation of the Settlement Leases &c

82 When an arrear of revenue has accrued in respect of any land the Collector may in addition to or instead of the processes hereinbefore specified cause such land or any part thereof to be attached and taken under the direct management of any Agent whom he appoints in that behalf

83 During the continuance of an attachment under section 82 the defaulters shall be excluded from possession of the land attached and the Agent appointed by the Collector shall stand for all purposes in their position, being bound by all their liabilities to any subordinate proprietors incumbrancers or tenants of or on such land and being entitled to manage such land and to receive all rents and profits accruing due to such defaulters therefrom

84 The surplus profits of such land after defraying the cost of attachment and management shall be applied first to the payment of any Revenue falling due upon such land during the attachment, and next, to discharging the arrear

85 The attachment shall continue until the arrear is paid or realized from the profits of the land or the Collector thinks fit to reinstate the defaulters in possession

(E)—Transfer to a Solvent Malguzar or Incumbrancer

Application for transfer

86 When an arrear accrues in respect of any estate, owing to one of the malguzars thereof failing to contribute the portion of the Revenue chargeable as between him and the other malguzars of such estate to his holding, any other malguzars of such estate, or any mortgagee or other incumbrancer of, or on, such holding may present a petition to the Collector, offering to take over such holding and pay the portion of the arrear chargeable thereto either in a lump sum or by instalments

When it may be granted

87. If the Collector is satisfied that the arrear has accrued owing to such failure and that such offer ought to be accepted he may suspend the execution of any other process taken for the realization of the arrear, and transfer the holding to the applicant

Case of several applications

88 Where more than one application is made under section 86, the Collector shall, all other things in his opinion being equal, give a malguzar the preference to an incumbrancer, and among several malguzars shall give the preference to the applicant who, in case the defaulting malguzar's holding were sold, would have a right of pre emption.

Conditions of transfer.

89 Any transfer under section 87 may be made subject to such conditions as the Collector thinks fit, and may be either—

for term ,

(a) For a term not exceeding fifteen years, on the expiry of which the excluded malguzar shall be entitled to re-enter without making good the arrear, or

till arrear is repaid

(b) Until the amount of the arrear paid by the transferee is repaid to him by such malguzar

Application to have transfer under section 89 (b) made absolute

90 When a transfer is made under section 89, *clause* (b), and the amount of the arrear is not repaid within twelve years from the date thereof, the transferee may apply to the Collector to publish a notification declaring that, if such amount is not repaid to the transferee within one year from the date of such notification, such transfer will become absolute

Proceedings thereon

The Collector may, if he thinks fit, publish such notification, and, if the amount of the arrear is not so repaid before the expiration of one year from the date of such notification, the transfer shall become absolute.

Joint and several liability not affected by transfer.

91 No proceedings taken under sections 86 to 90, inclusive, shall affect the joint and several liability of the malguzars, of the estate in which they are taken, for arrears accruing on such estate subsequently to the transfer of the holding of the defaulting malguzar except that, as regards all such arrears, the transferee shall stand in the place of such malguzar

(F)—*Sequestration of the Estate, with Cancellation of Settlement, Leases &c*

92. When any arrear of land revenue due in respect of an estate remains unpaid for more than one month, the Collector may, with the previous sanction of the Chief Commissioner, cause to be published and served upon the persons concerned a notification announcing that, unless such arrear is paid within fifteen days from the date thereof, he will sequester such estate or such portion thereof as may be specified in such notification. Notification preliminary to sequestration

93 If such arrear is not paid within fifteen days from the date of such notification, the Collector, with the previous sanction of the Commissioner, may make an order directing that such estate or portion be sequestered, and the defaulters excluded therefrom for a period not exceeding fifteen years from the date of such order, and not extending beyond the term of settlement Order of sequestration

94 On an order of sequestration being passed under section 93, the following consequences shall ensue — Effect of such order

(*a*) The execution of any other process taken for the realization of the arrear from the excluded defaulters shall be suspended,

(*b*) The settlement of the estate shall be cancelled,

(*c*) All liens, leases and other incumbrances created by such defaulters, or by any person through whom they claim over the estate or portion thereof sequestered may, at the option of the Collector be cancelled,

(*d*) The Collector may take possession of such estate or portion thereof, and either appoint an agent to manage it or let it in farm on such terms as the Chief Commissioner may by rule prescribe,

(*e*) All persons in occupation of any land comprised in such estate or portion thereof shall be bound to pay rent at such rates as the Collector may in his discretion from time to time think proper to fix

95 On the expiry of the period of sequestration, the estate or portion thereof sequestered shall revert to the excluded defaulters without payment by them of the arrear for which it was sequestered Expiry of period of sequestration

Functions of Collector how discharged

108. Except as may, from time to time be otherwise directed in the exercise of a power conferred by any enactment for the time being in force, the functions of a Collector under any enactment for the time being in force shall, in any part of the said territories, be discharged by the officer who may be appointed Collector for such part under this Regulation

Chief Commissioner s power of revision

109. The Chief Commissioner may call for the record of any proceedings had by any Revenue officer, and may pass such order thereon consistent with this Regulation as he thinks fit

Additional power to make rules

110 In addition to other matters for which the Chief Commissioner is empowered by this Regulation to make Rules, he may, from time to time make Rules consistent with this Regulation—

(*a*) For the assessment of the land revenue,

(*b*) For the investigation of claims to exemption from such assessment or to assignments of land revenue

(*c*) For the appointment and removal of circle headmen village headmen and patels

(*d*) To determine the persons by whom the time place and manner at or in which anything to be done under this Regulation, and for which no express provision is made in these respects shall be done, and to regulate the procedure of Revenue officers and arbitrators acting under this Regulation in all cases,

(*e*) For the investigation by the higher Revenue officers of charges of misconduct preferred against Revenue officers of lower grade,

(*f*) To determine the fees to be charged for the service of process issued under this Regulation, and to regulate the costs in all proceedings before Revenue officers,

(*g*) To determine the form of any notice or notification required by this Regulation to be served or published and the mode in which such notice shall be served or published, and

(*h*) Generally to carry out the provisions of this Regulation

Power to prescribe penalty for breaches of rules

111. The Chief Commissioner may, in making any Rule under this Regulation attach to the breach of it, in addition to any other consequences that would ensue from such breach, a punishment, on conviction before a Magistrate, not exceeding rigorous or simple imprisonment for a term not exceeding one month, or fine not exceeding two hundred rupees, or both

112 No Rule made by the Chief Commissioner under this Regulation shall take effect until it has been published in the *Official Gazette* [a] — Rules how to be published

All such Rules when so published shall in so far as they are consistent with this Regulation have the force of law — Force of rules

113 The Chief Commissioner shall at least once in every three years, cause all such rules still in force to be arranged in some convenient order according to their subject matter consolidated, and where necessary amended — Consolidation and republication of rules

The rules so arranged consolidated and amended shall be published in the *Official Gazette* [a] and upon such publication all rules previously made under this Regulation shall cease to be in force

114 Except as hereinbefore otherwise provided an appeal shall lie from every order and decision given under any of the provisions hereinbefore contained— — First appeals

(*a*) When such order or decision is given by any Revenue officer other than the Commissioner or a Collector—to the Collector or to such other officer as the Chief Commissioner may direct to hear such appeals

(*b*) When such order or decision is given by the Collector—to the Commissioner

(*c*) When such order or decision is given by the Commissioner—to the Chief Commissioner

115 If in any case the order or decision given in appeal under clause (*a*) or clause (*b*) of section 114 reverses or modifies the original order or decision on a point material to the merits of the case and is not hereinbefore declared to be final the Commissioner or Chief Commissioner as the case may be may receive a second appeal if on perusal of the grounds of appeal and of copies of the orders or decisions already given a further consideration of the case appears to him to be requisite for the ends of justice — Second appeals

116 The period of limitation for an appeal under section 114 or section 115 shall begin to run from the date of the order or decision appealed against and shall be as follows that is to say — — Limitation of appeals

(*a*) When such appeal lies to the Commissioner or Chief Commissioner sixty days,

(*b*) In other cases thirty days

[a] Official was substituted for [illegible] in ss 112 and 113 by Reg IX of 1893

Functions of Collector how discharged

108. Except as may, from time to time, be otherwise directed in the exercise of a power conferred by any enactment for the time being in force, the functions of a Collector under any enactment for the time being in force shall, in any part of the said territories, be discharged by the officer who may be appointed Collector for such part under this Regulation

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(*a*) For the assessment of the land revenue,

(*b*) For the investigation of claims to exemption from such assessment or to assignments of land revenue

(*c*) For the appointment and removal of circle headmen village headmen and patels,

(*d*) To determine the persons by whom the time, place and manner at or in which anything to be done under this Regulation, and for which no express provision is made in these respects shall be done, and to regulate the procedure of Revenue officers and arbitrators acting under this Regulation in all cases,

(*e*) For the investigation by the higher Revenue officers of charges of misconduct preferred against Revenue-officers of lower grade,

(*f*) To determine the fees to be charged for the service of process issued under this Regulation and to regulate the costs in all proceedings before Revenue officers,

(*g*) To determine the form of any notice or notification required by this Regulation to be served or published and the mode in which such notice shall be served or published, and

(*h*) Generally to carry out the provisions of this Regulation

Power to prescribe penalty for breaches of rules

111. The Chief Commissioner may, in making any Rule under this Regulation, attach to the breach of it, in addition to any other consequences that would ensue from such breach, a punishment on conviction before a Magistrate, not exceeding rigorous or simple imprisonment for a term not exceeding one month, or fine not exceeding two hundred rupees, or both

112 No Rule made by the Chief Commissioner under ... shall take effect until it has been published in the *Official G*...

All such Rules when so published shall, in so far as they are consistent with this Regulation have the force of law

113. The Chief Commissioner shall at least once in every ... cause all such rules still in force to be arranged in some convenient ... according to their subject matter consolidated and where necessary ...

The rules so arranged consolidated and amended shall be published in the *Official Gazette* [a] and upon such publication all rules previously made under this Regulation shall cease to be in force

114 Except as hereinbefore otherwise provided an appeal shall lie from every order and decision given under any of the provisions hereinbefore contained—

(*a*) When such order or decision is given by any Revenue officer other than the Commissioner or a Collector—to the Collector or to such officer as the Chief Commissioner may direct to hear such appeals

(*b*) When such order or decision is given by the Collector—to the Commissioner,

(*c*) When such order or decision is given by the Commissioner—to the Chief Commissioner

115 If in any case the order or decision given in appeal under clause (*a*) or clause (*b*) of section 114 reverses or modifies the original order or decision on a point material to the merits of the case and is not hereinbefore declared to be final the Commissioner or Chief Commissioner as the case may be may receive a second appeal if on perusal of the grounds of appeal and of copies of the orders or decisions already given a further consideration of the case appears to him to be requisite for the ends of justice

116 The period of limitation for an appeal under section 114 or section 115 shall begin to run from the date of the order or decision appealed against and shall be as follows that is to say —

(*a*) When such appeal lies to the Commissioner or Chief Commissioner sixty days,

(*b*) In other cases thirty days

[a] "Official" was substituted for "Rajputana" in ss. 1... and 113 by Reg. IX of 1893

In other respects the limitation of such appeal shall be governed by the provisions of the Indian Limitation Act, 1877 [a] X

Order in first appeal, when confirming original decision, final.

117. Every order or decision given in first appeal confirming the original order or decision, shall, subject to the powers of review and revision conferred under section 107 and by section 109, be final

No certificates for Revenue Agents to be granted

118 Notwithstanding anything contained in the Legal Practitioners' Act 1879, [b] no certificate authorizing any person to practice as a Revenue-Agent shall be granted under that Act after the passing of this regulation X

Proceedings under Regulation not to be impeached Limitation of jurisdiction of Civil Courts

119. Except as hereinbefore expressly provided,—

(a) Everything done, ordered or decided by Governor General in Council, the Chief Commissioner or a Revenue officer under this Regulation, shall be deemed to have been legally and rightly done, ordered or decided,

(b) No Civil Court shall entertain any suit or application instituted or presented with a view to obtaining any order or decision which the Governor-General in Council, the Chief Commissioner or a Revenue officer is under this Regulation empowered to make or pronounce

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(a) For Act XV of 1877, see the revised edition, as modified up to 1st December, 1892, published by the Legislative Department

(b) The reference to Act XX of 1865 is altered in accordance with Act XVIII of 1879, s 2, printed, General Acts 1877 81, Ed 1884 p 313

NOTIFICATIONS

Ajmere, the 4th December 1877

[a] No 732—In exercise of the powers conferred by the *first* section of "The Ajmere Land and Revenue Regulation 1877," and by the *first* section of "The Ajmere Laws Regulation 1877," respectively, the Chief Commissioner of Ajmere, with the previous sanction of the Governor General in Council hereby directs that the said Regulations which were published in the *Gazette of India* of the 3rd November 1877, shall come into operation on the first day of January 1878

Camp Ajmere the 28th December 1877

[b] No 797—In exercise of the powers conferred by Section 2 of The Ajmere Land and Revenue Regulation 1877 clause (*b*) the Officiating Chief Commissioner appoints the Assistant Commissioner of Ajmere and the Assistant Commissioner of Merwara to do anything required by Part II and by Section 106 of the Regulation to be done by a Revenue officer

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Dated Abu, the 15th October 1886

[c] No 1202 388—In supersession of all previous Notifications on the subject, and in exercise of the powers conferred on him by section 2 clause (*b*) of Ajmere Regulation II of 1877 (Land and Revenue) the Chief Commissioner of Ajmere-Merwara is pleased to appoint the Assistant Commissioners of Ajmere-Merwara for the time being to discharge the functions of a Collector under the said Regulation within their respective districts

The Assistant Commissioner of Ajmere will however continue until further orders to exercise for both districts the powers conferred on him in this office Notification No 1161-136 II, dated 23rd October 1885, in respect of Excise

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[a] Rajputana Official Gazette 29th December 1877

[b] Rajputana Official Gazette dated 5th January 1878

[c] *Gazette of India* Part II, for 1886 p 637

Dated Abu the 31st October 1891

[a] No 1265 695 —In exercise of the powers vested in him by section 60 of the Ajmere Land and Revenue Regulation II of 1877 the Chief Commissioner is pleased to frame the following rules for the temporary exemption of improvements from assessment to land revenue in cases where the improvement is made without the aid of a loan under the Land Improvement Loans Act and consists of reclamation of waste land or of the irrigation of land assessed at unirrigated rates —

These rules shall come into force with effect from the 1st November 1891

Rule 1 —*Reclamation of Waste Land* —When land is reclaimed from waste without the aid of a loan granted under Act XIX of 1883, and is brought under cultivation, the increase in value derived from the improvement shall not be taken into account in revising the assessment of land revenue on the land until the expiration of a period of five years reckoned from the beginning of the harvest first reaped after such reclamation was effected

2 *Improvement by Irrigation* —When land assessed at unirrigated rates is improved by irrigation without the aid of a loan granted under Act XIX of 1883 the increase in value derived from the improvement shall not be taken into account in revising the assessment of land revenue on the land—

(a) If the irrigation is provided by the construction of a new well —until the expiration of twenty years reckoned from the beginning of the harvest first reaped after such improvement was effected

(b) If the irrigation is provided by the construction of a distributary—until the expiration of a period of five years reckoned as in clause (a) of this rule directed, or

(c) If the irrigation is provided by any means other than those hereinbefore in (a) and (b) specified—until the expiration of a period of ten years, reckoned as in clause (a) of this rule directed

3 Nothing in these rules shall be understood as limiting the powers of the Chief Commissioner in any case to give more liberal terms to persons who make improvements than are herein detailed, or as depriving any land owner or lessee of any remission or favourable assessment to which he may be entitled under the terms of any existing agreement or unexpired settlement

[a] *Gazette of India* for 1891 Part II p 786

CHIEF COMMISSIONER'S NOTIFICATIONS

Dated 28th December 1877

[a] No 798 -In exercise of the powers conferred by section 107 of "The Ajmere Land and Revenue Regulation, 1877," the Officiating Chief Commissioner invests the Commissioner of Ajmere with all the additional powers, specified in the clauses attached to that Section, except power to delegate the exercise of any power to a subordinate Revenue Officer

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[a] No 799 —In exercise of the powers conferred by Section 107 of The Ajmere Land and Revenue Regulation, 1877' the Officiating Chief Commissioner invests the Assistant Commissioner of Ajmere and the Assistant Commissioner of Merwara, with all the additional powers specified in the clauses attached to that Section except power to delegate the exercise of any power to a subordinate Revenue Officer

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[a] See Rajputana Official Gazette, dated 5th January 1878

AJMERE-MERWARA

LAND REVENUE REGULATION RULES.

(As amended and corrected by Chief Commissioner's Notifications Nos $\frac{684}{462}$ and $\frac{802}{362}$-III, dated 5th July 1893 and 16th July 1895 respectively)

CHIEF COMMISSIONER OF AJMERE MERWARA

NOTIFICATION.

Abu, the 6th February 1889

[a] No 110—695 —In exercise of the powers conferred by sections 73 and 110 of the Ajmere Land and Revenue Regulation II of 1877, the Chief Commissioner of Ajmere Merwara is pleased to make the following rules —

UNDER SECTION 73

Payment of Revenue

1 The revenue shall ordinarily be paid at the head quarters of the Tehsil to the Tehsildar, or such subordinate as he, with the sanction of the Collector, may appoint to receive it With the permission of the Collector the revenue may be paid direct into the head Treasury

2 The instalments of revenue shall be paid on the dates fixed at settlement, namely, 1st January and 15th June in each year

3 All money paid into the Tehsil shall be accompanied by an arz irsal The arz irsal shall first be taken to the Wasilbakinavis, who shall, after verifying the correctness of the payment, endorse it for payment to the Tahvildar (Treasurer)

4 No native officer other than the Tahvildar (Treasurer) shall on any account receive or keep any public money whatever

5 In all cases in which land revenue and cesses are due, the sum paid shall first be credited to cesses, and the balance, if any, to land revenue

6 On receipt of the arz irsal endorsed by the Wasilbakinavis the Tahvildar shall take the money, and enter the payment in his own siaha, and endorsing the arz irsal with his receipt, pass it to the Siahanavis

7 The Siahanavis shall, on the authority of the Tahvildar's receipt, enter the sum as paid in his siaha, and shall draw out the dakhila or receipt,

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[a] *Vide* Government of India Gazette Part II for 1889 p 65 The Notification of the 5th July 1893 is published at page 576 of the Gazette of India Part II for 1893, and that of the 16th July 1895 at page 919 of the Gazette of India, Part II, for 1895

which, after having been duly signed by the Tahvildar and the Tehsildar, or other officer in charge of the Tehsil, shall be given to the payer

8 Information of the credit shall then be given to the Wasilbakinavis, who shall note the same in his khatauni (ledger), initialling the siaha to show that he has done so

9 The dakhila bahis shall be kept in printed counterfoil registers, each book containing one hundred duplicates bound up and paged

10 At the end of each day, and before the siaha is sent to the head office the Wasilbakinavis and the Siahanavis shall compare the siaha with the khatauni, item by item, and the Wasilbakinavis shall number each item in the khatauni with the number borne by such item in the siaha. The Siahanavis and the Tahvildar shall then compare the totals of their siahas, and at once bring to the notice of the Tehsildar or officer in charge of the Tehsil, any discrepancy they may discover The dakhila bahi shall then be compared with the siaha by the Wasilbakinavis and the Siahanavis

11 To each arz irsal a serial number shall be given, according to the order in which the money is credited in the Tahvildar's roznamcha or daily ledger The series of these numbers shall commence daily, and the Tahvildar shall number each irsal before passing it to the Siahanavis The same numbering shall be shown in the daily siaha in the Wasilbakinavis' khatauni, in the dakhila and in the record of any payments kept up for special departments

[a] UNDER SECTION 110 (a)

Assessment of Land Revenue—Lands variably assessed

12 Of land variably assessed to revenue there shall be two classes —

Class I—The portions of villages lying in the beds of certain tanks which are liable to submergence, and which have been demarcated by the Settlement Officer

Class II—Whole villages in which a standard revenue has been assessed on a standard cultivated area by the Settlement Officer

13 In lands of Class I, the cultivation of each harvest shall be recorded and measured up The revenue due shall be found by applying to the cultivated area the rate or rates fixed by the Settlement Officer at settlement

[a] The rules and forms under Section 110 (a) have been substituted for the original rules by Notification No 686—562, dated 5th July 1893, *Vide* Gazette of India, Part II, for 1893, p 576

14 In variably assessed villages Class II the assessment shall be made by the standard rate assessed at settlement on the cultivated area. This standard rate is the rate for dry cultivation and to it as a basis all other rates in the village must be referred The other rates are all multiples of the dry rate and to find the dry unit area the area under each class of cultivation (chahi talabi abi and dry) must be multiplied by the multiple of its own class.

(NOTE.—When the area actually cultivated exceeds the standard area the excess of the demand over the standard revenue will be credited to Government When such area falls below the standard area the difference between the standard revenue and the amount actually demanded will be remitted)

15 The area to be assessed shall comprise all cultivation except that of muafi" and bhum lands

16 The record of measurements for purposes of assessment shall give the necessary details or—

1 Lands assessable at well (chahi) rates
2 Ditto at tank (talabi) rates
3 Ditto at wet (abi) rates
4 Ditto at dry rates

17 The assessments shall be made under the superintendence and orders of the Collector

18 The following general rules shall be observed —

(a) Lands irrigated from a well existing as such at Mr La Touche s settlement shall be liable to assessment at well (chahi) rates

(b) Lands irrigated from a village tank or nadi existing as such at Mr La Touche s settlement shall be liable to assessment at the same rate as lands assessed as irrigated from such tank or nadi.

(c) Lands cultivated in the beds of village tanks or nadis existing as such at Mr La Touche s settlement shall be liable to assessment at abi rates

(d) Lands irrigated from a well or village tank or nadi not existing as such at Mr La Touche s settlement or lying in the bed of such village tank or nadi and cultivated shall be assessed as dry

(e) Lands assessed at settlement as irrigated or as abi but growing dry crops only shall be assessed as dry

Explanation—Irrigated includes irrigation from wells village tanks and nadis referred to in clauses (*a*) and (*b*), but does not include irrigation from variably or permanently assessed tanks

(*f*) Lands assessed as irrigated from a permanently assessed tank shall pay full talabi rates whether irrigated or not

(*g*) Lands assessed as irrigated from a variably assessed tank shall pay ' talabi ' rates under the rules in force for such tanks

(*h*) Lands irrigated from any stream that feeds or issues from any Government tank that has been permanently assessed, or feeds or issues from any such village tank or nadi, as is referred to in clause (*b*) shall be liable to assessment at ' talabi ' rates.

(*i*) In the case of lands irrigated from different sources in the same harvest the rate shall be regulated by the source supplying the greatest number of waterings, or where that number is equal, by the source assessable at the highest rate

(*j*) Double cropped dry lands assessed as such shall only pay the assessment for one harvest

(*k*) Lands growing dry crops or crops assessed as dry in the autumn (kharif) harvest shall pay the dry rate only, and if such lands become liable to assessment as irrigated for the spring (rabi) harvest, the rate for this latter shall be the full irrigated minus the amount collected on account of the autumn harvest Similarly, lands paying full irrigated rates for the autumn harvest, and growing dry crops or crops assessed as dry in the spring harvest, *shall not be liable to assessment* for the latter

(*l*) Lands paying a higher rate for their position under a variably assessed tank shall be assessed at this higher rate, if cultivated, even though not irrigated during that harvest

(*m*) Lands growing fodder crops for cattle in the hot weather shall not be liable to assessment, and in no case shall lucerne grass grown under wells pay more than a single rate for the whole year Under each well, land cultivated with lucerne grass shall, to the extent of one bigha, be assessed at dry rates only

Land under lucerne grass in excess of that area shall be assessed at the usual rate

19. When the total demand of a village for the harvest has been found, the amount payable by each sharer will be found by multiplying the standard rate into the area of his cultivation as shown in the "khatauni"

20 The Commissioner may declare, that in any particular village the crop on unirrigated land has been only a three-quarter crop or half crop, or quarter crop, or *nil*, and may reduce the assessment on such land accordingly If the crop on such land has only produced the amount of grain required for seed grain, it shall not be assessed

21. When the actual assessable cultivated area has been found by the above rules, the assessment shall be made in the manner indicated in Rule 14

Example—At the time of settlement, the Settlement Officer determined that the assessable area of a village ordinarily cultivated was —

	Acre	Rate of assessment per acre	Total assessment
		Rs a. p	Rs a p
Dry	124	0 10 0	77 8 0
Abi	40	1 9 0	62 8 0
Tank	8	2 13 0	22 8 0
Well	50	3 12 0	187 8 0
TOTAL	222		350 0 0

This area is reduced to a multiple of dry units in the following manner —

The abi rate of Rs. 1 9 the acre is 2½ times the dry rate
The tank rate of Rs 2 13 the acre is 4½ times the dry rate
The well rate of Rs 3 12 the acre is 6 times the dry rate

The area in terms of dry units will therefore be —

Dry	124 × 1 = 124	acres.
Abi	40 × 2½ = 100	,,
Tank	8 × 4½ = 36	,,
Well	50 × 6 = 300	,,
TOTAL	560	,,

This 560 acres is called the standard dry unit area, and when multiplied by the dry rate of 10 annas gives the standard revenue of Rs. 350

22 An English register in the following Form (No I) shall be kept up in the Collector's Office, and an opening of two pages shall be assigned to each variably assessed village In the register the assessment of each harvest shall be recorded.

23 In the column of remarks of the above register, a brief note of any of the remarkable events of the year, as affecting the revenue history of the village, shall be entered

24 In villages variably assessed the Lumberdars' fees shall be five per cent on the amount actually collected by then and all the cesses shall be calculated on the annual demand

25 With his annual Revenue Report the Collector shall submit three statements in the forms (Nos II III and IV) given below —

Statement No 1 (Form II) refers to the assessment of variably assessed beds of tanks It shall be prepared separately for each harvest and submitted whether any assessments have been made or not

Statement No 2 (Form III) refers to the assessment of variably assessed villages in the autumn (kharif) harvest

Statement No 3 (Form IV) refers to the assessment of variably assessed villages in the spring (rabi) harvest

FORM No. I.

Register of Assessments of variably assessed villages

NAME OF VILLAGE					STANDARD REVENUE.				STANDARD DRY RATE.
	AUTUMN (KHARIF) HARVEST				SPRING (RABI) HARVEST				
YEAR	Actual area assessed	Dry unit area	Rate	Assessment	Actual area assessed	Dry unit area.	Rate	Assessment	Total assessment of year
1	2	3	4	5	6	7	8	9	10

FORM No II —Statement No 1

Return of Assessment of variably assessed beds of tanks (for each harvest separately) in the District of in the year 18

Serial Number	Name of tank.	Name of village	Cultivated Area			Rate		Assessment			Remarks
			Irrigated	Unirrigated	Total	Irrigated	Unirrigated	Irrigated	Unirrigated	Total	
1	2	3	4	5	6	7	8	9	10	11	12

FORM No III—Statement No 2

Return of the assessment of the autumn (kharif) harvest in variably assessed villages in the District of in the year 18

Serial Number	Village	Standard Settlement assessment	Details of Cultivation															Assessed Area					Dry unit area.	Rate	Assessment	Remarks
			Well assessed as			Tank assessed as			Abi assessed as				Dry assessed as				Total									
			Well	Tank	Dry	Tank	Well	Dry	Abi	Well	Tank	Dry	Dry	Well	Tank	Abi		Well	Tank	Abi	Dry	Total				
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27

FORM No IV.—Statement No 3

Return of the assessment of the spring (rabi) harvest in variably assessed villages in the District of in the year 18 .

Serial number	Village	Standard Settlement assessment.	Revenue assessed on kharif	Details of Cultivation																		Assessed Area						Dry unit area.	Rate	Assessment of the rabi	Total Assessment of the year	Difference from Standard Revenue		Remarks
				Well assessed as				Tank assessed as				Abi assessed as				Dry assessed as																		
				Well	Tank	Dry	Dofasli	Tank	Well	Dry	Dofasli	Abi	Well	Tank	Dofasli	Dry	Well	Tank	Abi	Dofasli	Total	Well	Tank	Abi	Dry	Dofasli	Total					Increase	Decrease	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35

UNDER SECTION 110 (c)

Appointment and removal of village Headmen and Patels

26 The number of Lambardars and Patels, as fixed at Mr Whiteway's settlement, shall not be altered except by order of the Commissioner

27 The appointment of Lambardars and Patels shall be made by the Collector after a summary inquiry as to the right of succession in accordance with local custom as recorded in the Wajib ul urz Provided that where no record of such custom exists, the candidate supported by the largest number of those sharers who would have to pay through him shall, if not otherwise disqualified, be elected

28 The Collector shall notify in the village the name of the person whom he proposes to appoint, or who shall have been elected, as the case may be, as Lambardar or Patel, and shall call on the Khewatdars concerned to state their objections, if any, within the space of one month

29 No minor or female shall, except for special reasons, be appointed where by the custom of the village another sharer is eligible, and if appointed an adult male agent shall be nominated to represent the minor or female

30 Subject to appeal to the Commissioner the Collector may refuse to appoint any person as Lambarder or Patel or may remove from his appointment any Lambardar or Patel, on any of the following grounds —

(a) That he is not a sharer in the village

(b) That his share in the village is heavily burdened with mortgages or other encumbrances

(c) That he is not in possession of his share in the village

(d) That he is incompetent to perform the duties of the office

(e) That he has been convicted of an offence which in the opinion of the Collector, disqualifies him for holding the appointment, or that he is of notoriously bad character

31 A Lambardar or Patel may be fined by the Collector for neglect of duty, whether such neglect arises from not carrying out orders, or from disobeying any rules laid down for his guidance, or from wilful delay in paying the instalment of the Government demand The amount of such fine shall not exceed the pay due to him for the harvest in the course of which the fine is inflicted

32 As soon after the collection of an instalment of land revenue as may be practicable, the Tehsildar shall draw up a list of the Lambardars and Patels in his Tehsil, showing against their names the amount of revenue

collected by each, the amount due to each for commission on collections, the sums to be deducted for fines, &c, and the net amount due to each Lambardar and Patel

33 The list shall be submitted to the Collector, who, after verification of the amounts, shall prepare the bill for encashment at the Tehsil in the usual way

UNDER SECTION 110 (*d*)

The persons by whom the time, place, and manner at or in which anything to be done under the Land and Revenue Regulation II of 1877, and for which no express provision is made in these respects shall be done

34 The following shall be among the duties of a Lambardar under Regulation II of 1877 —

(*a*) To represent the village community in all their dealings with Government

(*b*) To collect the Government revenue and cesses for which he is responsible, and to pay the same to the Officer or Treasury appointed to receive it

(*c*) To defray in the first instance village expenses, and to reimburse himself in accordance with village custom

(*d*) To supervise the accounts of the village common lands and to render accounts to the villagers of all receipts, payments and sources of income

(*e*) To report to the Patwari or the supervisor all changes in the proprietorship of Muafi and Bhum lands, and the death of pensioners

(*f*) To report to the Patwari or the supervisor all encroachments on roads or Government land, all injuries to or appropriations of Nazul buildings in the village, and the destruction or removal of, or injury to, boundary or other marks erected in the village by order of Government

35 The chief duty of a Patel under Regulation II of 1877 shall be to collect the Government revenue and cesses for which he is responsible, and to pay the same to the Officer or Treasury appointed to receive it

36 The duties and responsibilities of a Patwari are —

A —To reside within his circle, unless specially exempted by a written order of the Collector

B.—Immediately on the occurrence of any calamity—as hail, locusts, fire, breaching of any tank, epidemic disease of men or cattle,—to report the same to the Supervisor.

C.—To report to the Supervisor when he visits his circle:—

(a) Cases of encroachment on Nazul or Government property.
(b) The condition of the crops.
(c) Destruction or decay of village or survey boundary marks.
(d) Emigration of cultivators.
(e) Condition of cattle and quantity of fodder available.
(f) All injuries to the embankment of Government tanks.
(g) Death of any zemindar, muafidar, or pensioner residing in his circle.

D.—To obtain the Supervisor's signature to his diary and books of account.

E.—To keep the following records in such forms and manner as may be prescribed by the Collector, with the previous sanction of the Commissioner:—

(a) Diary or Roznamcha.
(b) Khasra.
(c) Crop statement for the Rabi and Kharif separately.
(d) Khataunis for:—
  1. Villages variably assessed.
  2. Tanks variably assessed.
  3. Tanks paying crop rates.
  4. Variably assessed beds of tanks.
(e) Khatabandi.
(f) Register of changes of proprietary right.
(g) Khata bahi.
(h) Accounts of the common fund of the village.
(i) Receipts from grazing fees and house tax.
(j) The returns required from him under the Irrigation Rules or any special order.

F.—To file in the Tehsil office copies of the records referred to in the preceding clause on dates determined by the Collector with the previous sanction of the Commissioner.

G.—To keep in safe custody and good condition the records, papers and maps in his charge.

H—At the time fixed for the audit of village accounts, to explain them to the assembled sharers, obtaining their signatures to his accounts

I—*To furnish any sharer on demand with a written statement of* his account free of cost

J—To supervise the work of an Assistant Patwari appointed in his circle

37 In addition to the ordinary duties and responsib lities hereinafter prescribed for Supervisors, the Head Supervisor is responsible for —

(*a*) The custody of the Supervisor s and Patwari's records filed in the Tehsil

(*b*) The custody and issue of blank registers and records to the Patwari

(*c*) The disbursing of the Patwari s pay and keeping accounts of the same

(*d*) The correct preparation of the Tehsil totals from the register kept by himself and the other Supervisors

(*e*) Keeping records of cases of encroachment on Nazul or Government property, condition of crops, destruction or decay of village or survey boundary marks and emigra tion of cultivators

(*f*) Keeping the Muafi registers and the registers of Imlak-Wakf and Nazul properties

(*g*) Completing the general returns of the Tehsil from statistics furnished by the Supervisors

38 The duties and responsibilities of a Supervisor are —

(*a*) *To keep the following registers in such forms* and *in such* manner as may be directed by the Collector, with the pre vious sanction of the Commissioner —

I Register of proprietary mutations

II Village registers in two parts —

1 Revenue
2 Area and crops

III Special Registers for villages, tanks, and beds of tanks variably assessed

IV Registers of Patwaris.

(b) To generally superintend the out door work of the Patwaris of his circle, and see that orders are strictly carried out.

(c) To keep the village maps up to date

(d) To make local enquiries under the orders of the Collector or the Tehsildar as to the correctness of entries in the village records, or to collect statistical information relating to land or agriculture

NOTE.—The Supervisor shall not be appointed a Commissioner for the purpose of local investigation by a civil court without the consent of the Collector

(e) To verify the life and report the death of any pensioner or life muafidar to the Tehsildar

(f) To keep a register of the Lambardars of his circle

(g) To supervise the working of the Irrigation Rules, and the irrigation from all Government tanks, and furnish for his own circle the totals of the forms prescribed from time to time for recording the results of irrigation

(h) To keep a diary of the work performed by him, and send the same through the Tehsildar to the Collector once a month, any matter requiring special orders being separately reported

NOTE —The diary shall show the name of each village visited during the day, and the total number of the fields tested

(i) To submit through the Tehsildar to the Collector on the prescribed dates such periodical returns of the various classes of his work as may be called for

(j) To see that the Patwaris obey all rules prescribed for their guidance reporting to the Collector all cases of infringement of orders

(k) To get the maps of all villages in his circle corrected and kept up to date by the Patwaris, and apply for appointment of an Amin from the pay of Patwari, if he is incapable of doing his work.

NOTE.—The following corrections should be always made new roads hamlets, wells, nadis, tanks and fields also where a field has been permanently divided, or wherein the shifting cultivation of Halsara land, any field boundary has become parmanent

(l) To test from time to time the chains used by the Patwari

[m] To apply to the Collector for fresh skeleton survey map of the village, to be filled in by the Patwari, whenever the existing map is worn out or has from any cause become obsolete.

39. The Supervisor shall test the entries of the Khasra on the spot, and see that all fields of the map have been included, and all new cultivation measured up That the total areas of the Khasra agree with those of the previous year, and with that of the year of measurement, that totals of each page are correct, and that the Khasra statements agree with the Khasra.

40. The Supervisor shall test at least seven per cent. of the Khasra entries in each harvest, initialling each number tested. The testing will extend to all entries against the number, and in such testing at least seven per cent. of the cultivated numbers must be included.

NOTE.—The work of testing the Kharif entries must be completed by November 1st, and the Rabi by March 1st The extra hot-weather crops must also be tested.

41. On receipt of the report from the Patwari of the death of any sharer, or the change in any proprietary or muafi right in any village, the Supervisor shall, after testing the accuracy of the report, forward it for necessary action to the Tehsildar.

42. The Supervisor is responsible that the slips of changes in the village map filed yearly by the Patwari are kept in safe custody, and that the office copy of the same is corrected as may be ordered from time to time by the Commissioner.

43. The following shall be among the duties of a Tehsildar under Regulation II of 1877 :—

(a) To collect the land revenue, cesses, and other items, for the collection of which he receives a regular order, and to check the Tehsil accounts, and see that they are carefully kept.

(b) To keep in safe custody all Government moneys and property which may be placed in his charge.

(c) To report to the Assistant Commissioner all cases in which revenue-free grants or other grants or immovable property lapse to Government by the death of the holder or otherwise. Also all calamities affecting the crops, and any sickness, epidemic, or mortality among men or cattle.

(d) To supervise the proceedings of his subordinates, and to see that all rules are observed

(e) To see that the Supervisors and Patwaris perform their duties properly, and that their registers and records are correctly kept up to date

(f) To collect supplies for troops and Government officers marching through the Tehsil

(g) To gauge the rain register and report on the prescribed date to the Assistant Commissioner all falls of rain

(h) To act generally as the Executive Officer of Government under the direction of the Assistant Commissioner in all matters connected with the land revenue administration of his Tehsil

44 The Naib Tehsildar is the assistant of the Tehsildar, and will take over such work as is transferred to him subject to the orders of the Assistant Commissioner

UNDER SECTION 110 (d)

To regulate the procedure of Revenue Officers and Arbitrators acting under the Land and Revenue Regulation II of 1877

45 The procedure of Revenue Officers in compelling the attendance before them of the parties to proceedings and witnesses, the mode of recording evidence, and the production, rejection, and admission of documents, and the issue of commissions for local investigations, &c, shall be regulated as far as practicable by the rules contained in the Code of Civil Procedure

46 Arbitrators shall ordinarily be chosen by the parties but in cases of partition and boundary disputes, a Revenue Officer not below the rank of Assistant Commissioner may in his discretion refer matters in dispute to arbitrators appointed by himself

47. The arbitrators shall submit their award only with reference to the point or points referred to them in the order of reference, a copy of which shall be furnished to each member of the arbitration

48 The Revenue Officer shall appoint a day for the submission of the award and may in his discretion extend the time so fixed

49 In case of difference of opinion the decision of the majority of the arbitrators shall be accepted

50 The Revenue Officer may remit the award for reconsideration if it is incomplete or defective

Land and Revenue.

51 The Revenue Officer may, for reasons to be recorded in writing, on sufficient cause shown, decline to accept an award, or may accept it with such modifications as he may think fit to make but ordinarily he shall pass an order consistent with the award.

52 The Revenue Officer may make such order as he thinks fit respecting the costs of the arbitration

UNDER SECTION 110 (*e*)

Investigation by the higher Revenue Officers of charges of misconduct preferred against Revenue Officers of lower grade

53 The investigation by the higher Revenue Officers of charges of misconduct preferred against Revenue Officers of a lower grade shall be made in conformity with the Government of India Resolution No [illegible] [a] dated 29th July 1879 Provided that the Assistant Commissioner in charge of the District instead of dealing with the case departmentally, may, with the sanction of the Commissioner refer it to a Criminal Court for enquiry and trial

UNDER SECTION 110 (*f*)

Fees to be charged for the service of process issued under the Land and Revenue Regulation II, of 1877, and to regulate the costs in all proceedings before a Revenue Officer

54 The fees to be charged for the service of process issued under Regulation II of 1877 shall unless hereinafter expressly provided, be regulated by rules framed under the Court Fees Act and shall be levied in Court Fee Stamps

55 The Revenue Officer shall have full power to give and apportion costs in any manner he thinks fit, every order relating to costs may be executed under the rules relating to the execution of decrees for money.

UNDER SECTION 110 (*g*)

Form of notice or notification required by the Land and Revenue Regulation II, of 1877, to be served or published, and the mode in which such notice or notification shall be served or published

56 A writ of warning and warrant of arrest issued in connection with a default in payment of revenue shall be in the following forms, Nos V and VI They shall be issued in duplicate, and shall be signed by the Wasil-bakinavis and the Tehsildar The fee payable on the writ of warning shall be twelve annas and on the warrant of arrest one rupee eight annas —

(a) Printed under head "Miscellaneous"

COUNTERFOIL

FORM No V

Writ of Warning

Whereas , son of resident of , Mouza Pargana , has made default in the sum of Rs , due for the following kists, this writ of warning is issued requiring him to pay the same within the space of , together with the costs of this writ, namely, Rs.

Serial No	Village and Pargana.	Date of issue.	Name, caste, and parentage of defaulter	Kist on which arrears is due	Amount due	Arrears	Name of Messenger	Date of service	Date of messenger's return
1	2	3	4	5	6	7	8	9	10

(Sd) *Wasilbakinavis*

(Sd) *Tehsildar.*

Date

FORM No V

Writ of Warning

Whereas , son of , resident of , Mouza Pargana , has made default in the sum of Rs , due for the following kists this writ of warning is issued requiring him to pay the same within the space of , together with the costs of this writ, namely, Rs.

Serial No	Village and Pargana	Date of issue	Name, caste and parentage of defaulter	Kist on which arrears is due	Amount due	Arrears	Name of Messenger	Date of service.	Date of messenger's returns
1	2	3	4	5	6	7	8	9	10

(Sd.)

Wasilbakinavis

(Sd.)

Tehsildar

Date

57 Service of the writ of warning shall be made by tendering or delivering to the defaulter one of the copies carried by the messenger The signature or mark of the defaulter and of two respectable witnesses shall be taken on the back of the other copy in proof of the service and copy shall then be returned to the officer issuing the process In the case of the warrant the necessary endorsement shall be made by the issuing officer

If the defaulter is absent from his village the service shall be affected in the manner prescribed by the Code of Civil Procedure

58 A register of writs of warning and warrants of arrest shall be kept by Tehsildars in the following Form (No VII) and submitted monthly to the Collector for perusal —

COUNTERFOIL.

Warrant of Arrest

FORM No VI

Order addressed to
Whereas son of resident of , Mouza ,
Pargana has made default in the sum of Rs due for the following kists you are hereby directed to bring the defaulter to the Tehsil on or before the day of 18

Kists	*Amount*

(Sd)

Tehsildar

Duly *empowered under* Section 77, Land and Revenue Regulation II of 1877



FORM No VI

Warrant of Arrest

Order addressed to
Whereas son of resident of , Mouza ,
Pargana *has made default in the sum of* Rs due *for the* following kists, you are hereby directed to bring the defaulter to the Tehsil on or before the day of 18

Kists	*Amount*

(Sd)

Tehsildar

Duly empowered under Section 77 Land and Revenue Regulation II of 1877

FORM No VII

Register of writs of warning and warrants of arrest issued in the Tehsil of during the month of 189

No. of writs of warning issued.	No of warrants of arrest issued.	Amount of arrears for which writs and warrants issued	Fees for writs at 12 annas each and warrants at Rs 1 8 each					Remarks.
			Due from previous month	Due for current month	Total	Realized	Balance due	
1	2	3	4	5	6	7	8	9
		R	*R*	*R*	*R*	*R*	*R*	

Dated (Sd)

Tehsildar

59 A statement in the following Form (No VIII) shall be submitted by Collectors with their Annual reports:—

FORM No. VIII.

Statement of writs of warning and warrants of arrest issued in the District of during the year 189 .

Writs—Warrants.	Amount of arrears for which writs and warrants issued	No of writs and warrants issued	No of villages in which writs and warrants served.	No of persons served with writs and arrested on warrants	Average period for which persons kept under arrest	Longest period for which any person was kept under arrest	Fees for writs at 12 annas each and warrants at Rs. 1 8 each					Remarks
							Due from previous year	Due for current year	Total	Realized.	Balance.	
1	2	3	4	5	6	7	8	9	10	11	12	13

Dated

(Sd)

Collector.

Form of Proclamation under Section 82 of Land and Revenue Regulation

Whereas the following land (here described) has been attached under Section 82 of Regulation II of 1877 for an arrear of land revenue, notice is hereby given that no payment made after this date on account of rent, or of any other asset to any person other than the Assistant Commissioner or his Agent, shall be credited to the person making such payment, or relieve him from his liability to payment to the Assistant Commissioner or his Agent

Dated (Sd)

Assistant Commissioner

Form of Notification under Section 92 of Land and Revenue Regulation

Whereas an arrear of land revenue, as detailed below, has accrued in respect of (here describe land) from the (here give date), this is to inform you that unless the said arrear is paid within 15 days of the receipt of this notice, your land as aforesaid will be sequestered and you will be excluded therefrom for fifteen years from the date of sequestration

Kist *Amount*

Dated

(Sd)

Assistant Commissioner.

The Proclamation and Notification above referred to shall be made known by posting a copy of the same in the village Hatai, and also in the Tehsil office

By Order,

E A FRASER, MAJOR,

First Asst to the Agent to the Govr-Genl, Rajputana, and Chief Commr, Ajmere Merwara

The 17th January 1895

[a] No 209 I—In exercise of the powers conferred by sections 24 and 34 of the Ajmere Land and Revenue Regulation (II of 1877), the Governor-General in Council is pleased to appoint the Chief Commissioner, Ajmere Merwara to decide all questions as to the right to succeed to an Istimrar[1] estate in cases not provided for by section 23 of the said regulation, or to Bhum in cases not provided for by section 33 thereof

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The 16th July 1895

[b] No 801 562 III—The Chief Commissioner of Ajmere and Merwara is pleased, with the previous sanction of the Governor General in Council to extend to the Chief Commissionership of Ajmere and Merwara under sections 5 and 5A of the scheduled Districts Act 1874 the provisions of sections 33 to 40 (both inclusive) sections 44 to 46 (both inclusive) and section 98 of the Punjab Land revenue Act, XVII of 1887, subject to the modifications appearing in and in relation to those sections as set forth in the schedule to this notification

SCHEDULE

A—(S 33) (1) When the settlement record has been made over to the Collector under section 69 of the Ajmere Land and Revenue Regulation, 1877, he shall cause to be prepared by the patwari of each estate yearly or at such other intervals as the Chief Commissioner may prescribe an edition of the settlement record amended in accordance with the provisions of this Schedule Annual record

(2) This edition of the settlement record shall be called the annual record for the estate and shall comprise the third fourth fifth and sixth documents mentioned in section 65 of the Ajmere Land and Revenue Regulation 1877, and such other documents if any as the Chief Commissioner may with the previous sanction of the Governor General in Council prescribe

(3) For the purposes of the preparation of the annual record the Collector shall cause to be kept up by the patwari of each estate a register of mutations and such other registers as the Chief Commissioner may prescribe

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[a] Vide Gazette of India dated January 19th 1895 part I p 28
[b] Gazette of India Part II, dated 27th July 1895 p 917

Making of that part of the annual record which relates to owners assignees of revenue and occupancy tenants

B (S 34) (1) Any person acquiring by inheritance purchase mortga gift or otherwise any right in an estate as an owner assigned of land reven or tenant with a right of occupancy, shall report his acquisition of the right the patwari of the estate

(2) If the person acquiring the right is a minor or otherwise disqualifi his guardian or other person having charge of his property shall make repo to the patwari

(3) The patwari shall enter in his register of mutations every repo made to him under sub section (1) or sub section (2) and shall also make entry therein respecting the acquisition of any such right as aforesaid whi he has reason to believe to have taken place and of which a report shou have been made to him under one or other of those sub sections and has n been so made

(4) A Revenue officer shall from time to time inquire into the correc ness of all entries in the register of mutations and into all such acquisitions aforesaid coming to his knowledge of which under the foregoing sub sectio report should have been made to the patwari and entry made in that registe and shall in each case make such order as he thinks fit with respect to th entry in the annual record of the right acquired

(5) Such an entry shall be made by the insertion in that record of description of the right acquired and by the omission from that record of an entry in any record previously prepared which by reason of the acquisitio has ceased to be correct

Making of that part of the annual record which relates to other persons

C (S 35) The acquisition of any interest in land other than a righ referred to in sub section (1) of Section B of this schedule shall (1) if un disputed be recorded by the patwari in such manner as the Chief Commis sioner may by rules in this behalf prescribe, and (2) if disputed be entere by the patwari in the register of mutations and dealt with in the manne prescribed in sub sections (4) and (5) of section B of this Schedule

Determination of disputes as to entries in settlement records annual records and registers of mutations

D (S 36) (1) If during the preparation of a Settlement record or an annual record or in the course of any inquiry under part III (B) of the Ajmere Land and Revenue Regulation 1877 or under section B or C of this Schedule a dispute arises as to any matter of which any entry is to be made in such record or in a register of mutations a Revenue-officer may of his own motion or on the application of any party interested but subject to the pro visions of Section F of this Schedule and after such inquiry as he may think fit determine the entry to be made as to that matter

(2) If in any such dispute the Revenue officer is unable to satisfy himself as to which of the parties thereto is in possession of any property to which the dispute relates he shall ascertain by summary inquiry who is the person best entitled to the property and shall by order, direct that that person be put in possession thereof, and that an entry in accordance with that order be made in the record or register

E Any person who considers himself aggrieved by any entry in an annual record or register of mutations or by any direction as to possession made under sub section (2) of section D of this Schedule, may appeal to the authorities to whom an appeal lies under the Ajmere Land and Revenue Regulation 1877, or when the entry is one in the third or fourth document mentioned in section 65 of that Regulation or in the case of such a direction as aforesaid may, either instead of so appealing or if dissatisfied with the order passed on his appeal by any such authority, bring a suit in the Civil Court against any other persons interested in such entry, or direction to have such entry amended or such direction reversed or varied.

Mode of contesting orders as to entries other than entries referred to in Regulation II, 1877, s 67

F (S 37) Entries in settlement records or in annual records, except entries made in annual records by patwaris under clause (1) of section C of this schedule with respect to undisputed acquisitions of interests referred to in that section, shall not be varied in subsequent records otherwise than by—

Restrictions on variation of entries in records

(a) Making entries in accordance with facts proved or admitted to have occurred,

(b) Making such entries as are agreed to by all the parties interested therein, or are supported by a decree or order binding on those parties,

(c) Making new maps where it is necessary to make them

G (S 38) (1) The Chief Commissioner may fix a scale of fees for all or any classes of entries in a settlement record annual record or register of mutations, and for copies of any such entries

Mutation fees

(2) A fee in respect of an entry shall be payable by the person in whose favour the entry is made

H (S 39) Any person neglecting to make the report required by section B of this Schedule within three months from the date of his acquisition of a right referred to in that section shall be liable, at the discretion of the Collector, to a fine not exceeding five times the amount of the fee which would have been payable according to the scale fixed under section G of this

Fine for neglect to report acquisition of any right referred to in section B

Making of that part of the annual record which relates to owners assignees of revenue and occupancy tenants

B (S 34) (1) Any person acquiring by inheritance purchase mortgage gift or otherwise any right in an estate as an owner assigned of land revenue or tenant with a right of occupancy, shall report his acquisition of the right to the patwari of the estate

(2) If the person acquiring the right is a minor or otherwise disqualified his guardian or other person having charge of his property shall make report to the patwari

(3) The patwari shall enter in his register of mutations every report made to him under sub section (1) or sub section (2) and shall also make an entry therein respecting the acquisition of any such right as aforesaid which he has reason to believe to have taken place and of which a report should have been made to him under one or other of those sub sections and has not been so made

(4) A Revenue officer shall from time to time inquire into the correctness of all entries in the register of mutations and into all such acquisitions as *aforesaid coming to his knowledge of which under the foregoing sub section* report should have been made to the patwari and entry made in that register and shall in each case make such order as he thinks fit with respect to the entry in the annual record of the right acquired

(5) Such an entry shall be made by the insertion in that record of a description of the right acquired and by the omission from that record of any entry in any record previously prepared which by reason of the acquisition has ceased to be correct

Making of that part of the annual record which relates to other persons

C (S 35) The acquisition af any interest in land other than a right referred to in sub section (1) of Section B of this schedule shall (1) if undisputed be recorded by the patwari in such manner as the Chief Commissioner may by rules in this behalf prescribe and (2) if disputed be entered by the patwari in the register of mutations and dealt with in the manner prescribed in sub sections (4) and (5) of section B of this Schedule

Determination of disputes as to entries in settlement records annual records and registers of mutations

D (S 36) (1) If during the preparation of a Settlement record or an annual record or in the course of any inquiry under part III (B) of the Ajmere Land and Revenue Regulation 1877 or under section B or C of this Schedule a dispute arises as to any matter of which any entry is to be made in such record or in a register of mutations a Revenue officer may of his own motion or on the application of any party interested but subject to the provisions of Section F of this Schedule and after such inquiry as he may think fit determine the entry to be made as to that matter

(2) If in any such dispute the Revenue officer is unable to satisfy himself as to which of the parties thereto is in possession of any property to which the dispute relates, he shall ascertain by summary inquiry who is the person best entitled to the property, and shall by order, direct that that person be put in possession thereof, and that an entry in accordance with that order be made in the record or register

Mode of contesting orders as to entries other than entries referred to in Regulation II 1877 s 67

E Any person who considers himself aggrieved by any entry in an annual record or register of mutations or by any direction as to possession made under sub-section (2) of section D of this Schedule may appeal to the authorities to whom an appeal lies under the Ajmere Land and Revenue Regulation 1877, or when the entry is one in the third or fourth document mentioned in section 65 of that Regulation or in the case of such a direction as aforesaid may, either instead of so appealing or if dissatisfied with the order passed on his appeal by any such authority, bring a suit in the Civil Court against any other persons interested in such entry, or direction to have such entry amended or such direction reversed or varied.

Restriction on variation of entries in records

F (S 37) Entries in settlement records or in annual records except entries made in annual records by patwaris under clause (1) of section C of this schedule with respect to undisputed acquisitions of interests referred to in that section, shall not be varied in subsequent records otherwise than by—

(a) Making entries in accordance with facts proved or admitted to have occurred,

(b) Making such entries as are agreed to by all the parties interested therein, or are supported by a decree or order binding on those parties,

(c) Making new maps where it is necessary to make them

Mutation fees

G (S 38) (1) The Chief Commissioner may fix a scale of fees for all or any classes of entries in a settlement record, annual record or register of mutations, and for copies of any such entries

(2) A fee in respect of an entry shall be payable by the person in whose favour the entry is made

Fine for neglect to report acquisition of any right referred to in section B

H (S 39) Any person neglecting to make the report required by section B of this Schedule within three months from the date of his acquisition of a right referred to in that section shall be liable, at the discretion of the Collector, to a fine not exceeding five times the amount of the fee which would have been payable according to the scale fixed under section G of this

Schedule if the acquisition of the right had been reported immediately after its accrual.

Recovery of fees and fines

I (S 98) Any fee payable under section G, or fine imposed under section H of this Schedule shall be recoverable as if it were an arrear of land revenue, and as if the person from whom it is due were a defaulter in respect of such an arrear

Obligation to furnish information necessary for the preparation of records

J (S 40) Any person whose rights interests or liabilities are required to be entered in a settlement record or annual record shall be bound to furnish on the requisition of any Revenue officer, Supervisor, Kanungo or Patwari engaged in compiling the record, all information necessary for the correct compilation thereof

Presumption in favour of entries in settlement records and annual records.

K (S 44) An entry made in a settlement record or in an annual record in accordance with the law for the time being in force and the rules thereunder, shall be presumed to be true until the contrary is proved or a new entry is lawfully substituted therefor

Suit for declaratory decree by person aggrieved by an entry in a record

L (S 45) Any person who considers himself aggrieved as to any right of which he is in possession by an entry in a settlement record or in an annual record may institute a suit for a declaration of his right

Power to make rules respecting records and other matters connected therewith.

M (S 46) The Chief Commissioner may, subject to the control of the Governor General in Council, make rules—

(a) Prescribing the language in which settlement records, annual records and registers of mutations and other prescribed registers are to be made,

(b) Prescribing the form of those records and registers and the manner in which they are to be prepared, signed and attested,

(c) For the survey of land so far as may be necessary for the preparation and correction of those records and registers,

(d) For the conduct of inquiries by Revenue Officers under Part III (B) of the Ajmere Land and Revenue Regulation 1877, or under section B or C of this Schedule, and,

(e) Generally, for the guidance of Revenue Officers, Supervisors Kanungos and Patwaris in matters pertaining to records and registers mentioned or referred to in this Schedule

N This schedule shall be read as p rt of the Ajmere Land and Revenue Regulation 1877, and expressions used therein shall have the same meaning as they respectively have in that Regulation — Schedule to be read with Regulation II of 1877

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[a] No 802 562 III —Under the authority vested in him by sections G and M of the schedule attached to this office Notification [No 801 562 III, dated 16th July 1895,] the Chief Commissioner of Ajmere Merwara is pleased, with the previous sanction of the Governor General in Council to issue the following rules for the maintenance of the settlement record in Ajmere Merwara —

(1) All cases in which mutation of names is necessitated either by the death of the recorded proprietor or muafidar or otherwise and which have been reported through the Patwari under sub sections 1 and 2 of section B of the Schedule above referred to, or which have been brought to notice directly, shall be disposed of by the Revenue officer concerned, that is by the Deputy Magistrate of Kekri or the Tehsildar or the Naib Tehsildar in whose revenue circle the village in which the case occurs is situated

(2) A register of mutation of names shall be maintained at each Tehsil in thefollowing form (No 1) in which all such cases shall be entered provided that in cases which have not been reported to the Revenue Officer by the Patwari or Girdawar no mutation shall be made until the Patwari or Girdawar has had an opportunity of reporting thereon

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[a] Gazette of India, Part II, dated 27th July 1895 p 919

Form No I

Register of Mutation of Names

Date of death of the recorded proprietor or muafidar or other cause of action	Date of report	Date of entry	Name of village	Number of case	Names and description of parties	Specification of land regarding which mutation is sought or required	Date fixed for enquiry	Final order with brief abstract of statements of parties and witnesses (if any) explaining grounds of decision if the question of right is summarily decided	Date of decision	Nature of objections and final order thereon	Note of appellate decision with date	Amount of fees due	Amount realized and when	Date or dates of payments into treasury	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16

A corresponding form shall be maintained by each Patwari

(3) Having fixed a day for the disposal of the mutation cases of the villages in any neighbourhood the Revenue officer concerned shall issue notices to such villages in the following form (No II) Such notices shall never be served less than six days before the day fixed for the decision, and shall be posted in some conspicuous place in the village Hatai —

Form No II

Notice No I

Whereas the following case/cases for mutation of names has been reported / have been reported / is pending in the village of__________, Tehsil__________, this is to give notice that on the day of__________189 , the undersigned will be present in the said village of__________for the purpose of enquiring into the facts of the case/cases and for passing a decision thereon Parties

concerned are hereby directed to be in attendance with such documentary or oral evidence as they may wish to produce——————————————

————————————————————————

————————————————————————

(Sd) *Name of officer*

Dated *Designation of Officer*

(4) On the day fixed the Revenue Officer shall record the result of the enquiry made by him in column 9 of the Register (Form No I) It will not be necessary to prepare a separate record of the statements of the parties or their witnesses If the parties fail to attend the case shall be decided on the statements of the village Patwari the Lambardars and other respectable witnesses present on the spot

(5) In all cases disposed of under the preceding rule a notice shall be issued in the following form (No III) inviting objectors to come forward within fifteen days The notice shall be served in manner laid down in Rule 3 —

FORM No III

Notice No II

The following mutation of names having been ordered under Rule 5 of the rules framed under sections G and M of the Schedule attached to this Office Notification No 801 562 III dated the 16th July 1895 notice is hereby given to objectors to appear before the undersigned on or before the ______day of ____________189 , to state their objections —

Date of order	Number of khata	Area	*Name of recorded owner*	Name of person in whose favor mutation of names is proposed to be made	REMARKS
1	2	3	4	5	6

(Sd) *Name of Officer*

Dated *Designation of Officer*

Land and Revenue.]

(7) No mutation of names shall be made in the Register until the objections, if any, have been heard and determined

(8) Should the objections preferred within the prescribed period be allowed, the Revenue Officer shall modify or alter his original order as may seem to him equitable, and record it in column 11 of the Register (Form No 1)

(9) In all mutation cases, whether disputed or u
Re. 1-4 0 per cent on the income of *Kha*
on that of *Muafi* lands shall be levied ,
minimum fee shall be 4 annas for *Khalsa*
Muafi lands An extract from the Reg
showing the amount of fees levied and the d
into the Treasury, shall be sent once a
Collector

Foot notes:— (Please see attached

(10) The Revenue Officer concerned shall visit ea
Revenue circle at least once in every thr
off mutation cases

(11) Every Patwari shall bring to the notice of th
concerned any case in which a person wit
neglected to report the death of the record
muafidar, or other cause of action necessitati [illegible] ation
of names, within three months of its occurr [illegible] for orders
under section H of the Schedule

(12) So much of this Office Notification No 110 695, dated 6th February 1889, as relates to the issue of rules under section 70 of the Ajmere Land and Revenue Regulation II, of 1877, is hereby cancelled

(Tenure of houses and buildings in Istimrari Estate)

Letter No 3577, dated the 31st August 1852, from the Assistant Secretary to the Government for the N W P to the Superintendent of Ajmere

With reference to Mr Officiating Secretary Allen s letter No 1461 to the address of your predecessor dated the 26th April 1849 on the subject of complaints made by the British subjects residing in the Estates of the Istimrardar, that they did not allow them to mortgage or sell their own houses I am desired by the Honorable the Lieut-Governor to transmit for your information the accompanying extract (para 80) of a letter from the Honorable the Court of Directors dated 2nd June last No 7 on the subject

Extract Para 80 from a despatch from the Honorable the Court of Directors No 7, dated the 2nd of June 1852

16° Complaints being preferred from British subjects that Istimrardars did not permit them to sell their own houses The Lieutenant Governor declines to interfere

Para 80th The decision passed by the Lieutenant Governor is evidently a just one It would be a great hardship and contrary to all rules of justice and equity to confer independent rights on the owners or builders of houses on their (the Istimrardar s) Estates

10 The Committee have also recorded a short and succinct history of each of the important grants held in the District, showing how, by whom and for what purposes, such privileges were accorded, this information will be most useful to the Local Officers in all future references on these points, but does not require in this place notice further than to state that of these grants, 39 owe their origin to the comparatively improvident dynasty of the Mahomedans 12 to the Maharatta rule 1 to the Rahtore Rajpoots, and only 2 to the British Government

11 The area of these Jaghirs (exclusive of Revenue free holdings and Bhoom lands) as now discovered for the first time by measurement, is 1 37,955 acres of which only 10 156 acres are protected by wells and of this nearly one quarter is assigned to parties other than the Jaghiredars, the approximate revenue of the whole of this area is only set down by the Committee as Rs 91,000, and of this nearly one half or Rs 42,740 belongs to the Religious Endowments, the revenue is levied in kind, the proportion of the crop taken however, varies considerably, in some villages half the produce is demanded but the average rate is believed to be between ⅓rd and ¼th the produce, in addition to this heavy cesses are taken aggregating 16 per cent of the total collection, these cesses which are so liable to increase immoderately, have now all been brought to book in the present Settlement, to prevent further exactions in future on this account

12 The rights in these Jaghire estates as between the persons cultivating and the Jaghiredars have also been judicially enquired into and summarily adjudicated upon by the Settlement Officer, in a few instances these awards have been contested in regular suits, in the civil courts, and speaking generally, the decisions (according to an ascertained custom of these parts) have made the Jaghiredars except where the cultivators were located *previous to the grant* landlords or proprietors of all waste and uncultivated lands as well as in all cultivated land, dependant alone on the rain fall, while in lands protected by wells, or other irrigation works, the cultivator has been declard full proprietor, subject of course to payment of the usual assessment either in cash or kind to the Jaghiredar

13 The proposals of the Jaghire Committee, I ascertain to be ten in number, as follows —

I —An alteration in the condition of the grant made by the British Government to the Dudhadharee *(Vide para 21 of the Committee's Report)*

II.—A recommendation to oblige the managers of all Religious Institutions to file yearly accounts in the Deputy Commissioner's Office (*para* 24)

III.—The recognition of all sub grants hitherto made in Jaghirs of Class I, but a prohibition, by an entry in the Sanads to all such Grants in the future (*para* 26)

IV.—An entail to be instituted, where it may not already exist for the larger sharers in the Jaghire villages held by persons of Class II (*paras* 28 34 40 *and* 42)

V.—The subordinate sharers, in the 8 Villages to which the entail is to be extended, to be allowed to sell mortgage or make gifts amongst themselves only, succession to continue as at present, but in case of a sharer dying without heirs his share to revert to the head of the family, with the intention of his eventually becoming sole Jaghiredar (*para* 29)

VI.—In the second grade of the second Class *viz*, the smaller sharers in the grants to individuals, the Committee consider there is no person entitled to the high status generally assigned to a person known by the title of Jaghiredar, the Committee here propose to allow sales, mortgages and gifts among the sharers, though not to strangers and would in no way interfere with the present custom of inheritance (*para* 46)

VII.—In the third class of Jaghire, *viz*, to Corporations or bodies of men, the Committee propose to forbid sale and mortgages to strangers but would allow the Jaghiredars to divide, sell, and mortgage among themselves, where strangers have obtained possession the Committee would resume the lands, and assess at full rates for the benefit of the general body (*para* 59)

VIII.—The Committee propose that a Sanad should be given to each Jaghiredar, or body of Jaghiredars, detailing the incidents of their tenure (*para* 66)

IX.—The Committee make certain recommendations, with regard to Regulation II of 72, for relief of the embarassed Jaghiredars (*para* 68)

X —They consider that when any Bhoom or Muafi holding lapses or is resumed, within the limits of a Jaghire village, that the revenue or income, should be credited to the Jagiredar (*para* 71)

14 The proposals No I and IX will be treated of in separate letters being of a nature somewhat foreign to the present report Proposal II is one which I am afraid cannot be enforced if Act XX of 1863 is applied in its entirety to Ajmere I quite agree, however, that it is very desirable that the accounts of these Religious Institutions, endowed with such large incomes as they are should be filed in some public office of Registry, where they could be examined by parties interested in the proper expenditure of such sums, while such action by the responsible parties would not implicate Government, in any direct control, or management of their revenues I have accordingly directed such a provision to be entered in the Draft Substantive Law now under preparation and I trust Government may allow it to stand

15 Proposal III also recommends itself to me, as such restriction must previously have been known to exist, though it would be difficult, impolitic and perhaps in some instances unjust, to cancel grants that already exist but the prevention of these grants being thus frittered away in the future is certainly a desirable measure and the entry of such a prohibition in the Sanads would have the necessary effect I doubt not

16 Proposal IV is one which would be very acceptable to the Jaghirdars and the declaration of such an entail would have the effect of raising the position and status of these gentlemen and would also, I consider, be a politic measure, they would have to provide subsistance for younger sons and brothers just as the Istimrardars of this District now do and already the custom prevails in 10 villages and has probably at one time or another existed also in the other Jaghirs I strongly advocate the extension of this principle to all the Jaghiredars of this Class

17 Proposals V, VI, and VII, are all of one nature, *viz*, to prevent these grants passing out of the possession of the descendants of the original grantees, but allowing full latitude of transfer, among the grantees themselves, this seems judicious and such a limitation of their rights cannot be a subject of objection or complaint, and should I consider, be enforced in every case, in fact a Jaghiredar should have no power to dispose of revenue assigned to him by Government, for a particular purpose, whether it be for the maintenance of himself and family, or for any other purpose, and these proposals are, I believe, in strict accordance with the previous orders of Government on the same subject elsewhere

18 Proposal VIII, to give Sanads to all assignees of the Government revenue is certainly desirable, and I have the honor to forward copies of the correspondence, as per margin, and to submit 11 draft Sanads for approval, to be given to all Jagirdars and Muafidars. The form of these Sanads appear to me in every respect suitable, and I recommend their authoritative introduction, and that the Settlement Officer be authorized to sign them on the part of Government

Settlement Officer's No 105, dated 8th March 1873.
Commissioner's No 3055, dated 5th September 1873
Settlement Officer's No 214, dated 27th May 1874, with enclosures.

19 Proposal X. Where the whole village is held in Jagir all lapses or resumptions within such a village, should, as a rule, revert to the Jagir dar, if the village is shared, between Government and the Jagirdar, it should revert to whichever share or side of the village it properly belongs to, if within the Village there are no recognized sharers, or sides it should revert in proportionate shares to both parties, this is, I believe, the rule in force, in other parts of the country, it appears equitable, and I recommend its general recognition here

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No 482, dated Ajmere, the 30th October 1873

From—J DIGGES LATOUCHE, ESQ, Settlement Officer, Ajmere

To—LESLIE S SAUNDERS, ESQ, Commissioner Ajmere and Merwara

SIR,

FOR some time I have been under the belief that it would be very advisable to institute an enquiry into the Jagir tenures similar to that instituted as regards Bhoom, and thus complete the investigation of all tenures in the District Now that the measurement of these Estates has been finished, the time seems to have arrived at which such an investigation can be satisfactorily prosecuted, and there are very many points on which light is required

2 The object of the inquiry would not, I presume, extend to the liability of any Jagir Estate to resumption, but setting out from Mr Cavendish's recorded facts, it would compare them with the present state of

the Jagirs give a history of each, show who and how many are entitled to share in the alienated revenue, and give an account of the numerous rent free holdings within the Estates most of them originating from *Bádshâhee* grants subsequent to the original grant in Jagir In short, the inquiry would place the whole subject in a clear light I have already had pedigree tables prepared of all those who are entitled to share in the revenue To attest and pass orders on these is strictly settlement work, but the opinion of a committee would probably be valuable

3 The records are very voluminous, all in the vernacular, and during the cold weather I shall have little leisure for other than assessment work If you think fit to appoint a committee, I would undertake to act as Secretary, but I should be obliged if Maharaj Kishen, Extra Assistant Commissioner were nominated as Joint Secretary His services will, I believe, be of considerable value in eliminating the grain from the chaff of the old vernacular records.

4 The Members of the Committee might be —
The Deputy Commissioner as *President*
Munshi Ameen Chund,
The Manager of the Dargah,
The Raja of Ralaota
Mir Nizam Ali,
Mir Inayat ul lah Shah

No 3784 of 1873

Copy forwarded to the Deputy Commissioner of Ajmere and Merwara, for favor of his opinion

AJMERE COMMISSIONERSHIP,
The 31st October, 1873

LESLIE S SAUNDERS,
Commissioner of Ajmere and Merwara

No 1151, dated Ajmere, the 6th November 1873

From—MAJOR H M REPTON, Deputy Commissioner of Ajmere

To—L S SAUNDERS, ESQ, Commissioner of Ajmere and Merwara

SIR,

In reply to your No 3784 of 31st October 1873, I have the honor to state that in my opinion a record such as Mr La Touche suggests is, very desirable to complete the settlement papers of the District, and by the preparation of such records in future years, it would only be necessary to refer to these records. It would save an infinity of trouble, simplify all disputes, and, indeed I consider that as the Jagirs &c, have now been measured and surveyed, it is essential that a correct record of their holdings should be prepared and attested, and think the Committee proposed by the Settlement Officer, with the addition of the Manager of the Dargah Meeran Sahib, would be a useful instrument for obtaining and recording the several points on which information is required. No enquiries would be made into such holdings in Istimrar estates I presume, as they do not affect the Land Revenue demand

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No 3830 of 1873

Copy forwarded to the Settlement Officer, Ajmere and Merwara with the remark that he may consider the Committee formed and in direct consultation with the President, arrangements should be made for its meetings, while the report will be awaited with interest

AJMERE COMMISSIONERSHIP, } LESLIE S SAUNDERS

The 11th November 1873 } *Commissioner Ajmere and Merwara*

REPORT OF THE COMMITTEE ON JAGIR ESTATES

Ajmere, dated 16th May 1874

In the District of Ajmere the only distinction between Jagirs and ordinary revenue free-holdings is, that the former are understood to mean a whole village or a share of a village, the latter a definite portion of land

No conditions of military or other service are attached to the tenure of Jagirdars except in the case of Arjanpura

2 In the year 1829, Mr Cavendish, Superintendent of Ajmere, caused an elaborate and careful inquiry to be made into the history customs and incidents of each Jagir He was transferred to another District, however, before he submitted any report of his proceedings, and the facts he collected have hitherto remained unreported and in their original vernacular without any orders having been passed on them The Jagir villages have been measured for the first time at the present Settlement

3 At the time of the Cession of the District, in 1818 there were 64 Jagir villages, 5 of these were resumed by order of Government, during Mr Wilder's tenure of office, *viz*, Sooruj Koond, half Nandla Ghultee, Nathoo Thula Khanpoora In Mr Cavendish's time there were 59 of these Chatree, was resumed on the death of Nawab Hakeem Khan in 1830, and Ararka in 1839 on the death of Dewan Mehdi Ali Khoree and Kholaee were Jagir of the temple of Brahma in Pushkar, Nand Rampoora and Hurmara were Jagir of the Mausoleum of Apajee Rao Scindia in the same place By the treaty of the 12th December 1860, between the British Government and Scindia, the latter transferred to the British Government his Jagir in Zillah Ajmere These five villages which formed part of the Jagir, were, after a protracted correspondence permanently annexed to the Khalsa of Ajmere, and the temple and Chatree now obtain no revenue from these villages There remain therefore 52 Jagir villages of which 49 are entire villages and 3 partly Jagir and partly Khalsa. Two grants have been made by the British Government The village of Rajgurh was this year granted to Raja Debi Singh, and the anomalous grant of Neela Seoree has been confirmed within the last few days The total number of Jagir villages is therefore 54

4 Jagir, however, has been measured in 59 villages, 51 entire villages and 8 shared with Government, Durathoo, which is half Jagir, was in 1868 split up into 6 villages in each of which the Jagirdar gets one half the revenue It will be convenient, however, to consider these 6 villages as one and the number of Jagirs as 54

5 The Jagir estates fall broadly into three classes, the first having two sub divisions

First —Endowments of Religious Institutions —

A. Endowments of the Institutions themselves

B Endowments of Offices connected with the Institutions.

Second —Grants to Individuals

Third —Grants to Corporations, no names being given in the grant and the revenue being shared by all who fall within a certain designation

6 The following Table shows the number of villages in each class and the origin of the grant

Name of granter	*Class I*	*Class II*	*Class III*	*Total*
Akber	16			16
Jehangir	1	½	4	6
Shahjahan		3		3
Alamgir		½		1
Furrukhsir	2	6½		9
Mohammed Shah		4		4
Maharattas	5	6	1	12
Ajeet Singh Rahtore		1		1
British Government	1	1		2
	25	24	5	54

7 In the first class the following Institutions enjoy Jagirs —

1 Dargah Khwaja Sahib
2 Dargah Meeran Sahib
3 Chilla Peer Dastgir
4 Nathdwara Temple
5 Chitree Surjee Rao
6 Charitable Trust of Dudhadhari

It will be convenient to consider these in the above order

8 Khwaja Muien ud din Chisti the saint known as Khwaja Sahib, migrated from Ghore to Hindustan in 1143 A D He took up his abode first on the hill which overlooks the Dowlat Bagh, and subsequently at the Tripolia Darwaza, where he lived till his death, which occurred, according to tradition in the 97th year of his age After his death people began to make pilgrimages to his tomb The Dargah was commenced in the time of Shams-ud din Altamash enlarged in the time of Ghiyas ud din, and in the reign of Akber a mosque was built, now partially in ruins Shahjahan built the present marble mosque A Urs (*mela*) is held at the tomb of this saint for 6 days during the month of Rajab for it is uncertain on what day he died Offerings at the Shrine are divided between the Dewan and the Khadims, but owing to the disputes regarding their shares there is a quantity of property said to be worth half a lac undivided

Dargah Khwaja Sahib

present Manager Meer Nizam Ali son of Irshad Ali however keeps no accounts at all The average annual receipts from the village are now Rs 1 553, from which the Manager takes Rs 200 as his perquisites as Manager in accordance with an arrangement of Mr Wilder

Nathdwara 16 The celebrated temple of Nathdwara has one village attached to it in Ajmere Dowlat Rao Scindia in 1806 A D granted the village of Bhawani Khera for the service of Sri nath jee The temple of Nathdwara on the Banas 22 miles East of Oodeypore has revenue free land attached to it in all parts of India especially in Muttra the original home of Krishna Colonel Tod in his Rajasthan gives an account of this temple

Chutre Surjee Rao 17 Two villages Lallee Khera and Bhagwanpura are Jagir attached to the Mausoleum of Surjee Rao in Pushkar There is no original Sanad forthcoming Hindoo Rao son of Surjee Rao who lived at Delhi was the Manager He with the approval of Colonel Dixon and with the sanction of Scindia made over the buildings and the villages to the Dudhadharee as manager in the year 1848 A D the revenues to be employed for the expenses connected with the tomb and in almsgiving The present Dudhadharee however has contracted a personal debt of Rs 12 000 has stopped all alms and has mortgaged Lalee Khera to Ramnath Mahajan of Pushkar for 10 years He has now applied in the Commissioner s Court for a settlement of his debts under the rules recently sanctioned for embarrassed Thakoors and Jagirdars but the Committee remarks that he is not a Jagirdar simply the Manager of a Jagir

Neela Seoree 18 The hilly tract comprising the village of Neela Seoree lies between the towns of Ajmere and Pushkar and was originally partly included in each Soon after the establishment of British rule the Dudhadharee an ascetic whose only food as his name denotes is milk came to Ajmere He settled in this waste tract then infested by robbers and soon acquired considerable influence His original grant was 10 bighas but he gradually acquired possession of the hill and the district officers acquiesced in and supported his possession The land held by him was largely increased at the time of Col Dixon s measurement of the surrounding villages and Government has now in the letter from the Secretary Foreign Department No 76 R dated 11th April 1874 granted in perpetuity Neela Seoree as Jagir to the Dudhadharee It is added however that the grant is made to him On condition of his protecting so much of the road through the Pokhar Pass as is adjacent to his

Jagir, and of his paying compensation for any losses, which may occur in that portion of the road from the bottom of the pass to the open country beyond."

19 The conditions on which the predecessor of the present Dudhadharee considered he held this land are given in detail in a petition of his presented to Colonel Dixon, on 14th April 1848 He states that 'he has built a temple to Bauki Beharreejee, that he has dug wells and a baori, that he has planted many mangoe trees and collected cattle He desires that all these things should be considered "*walf* and *sadaburt*" a trust property for the benefit of the poor and travellers None of his chelas should consider himself heir or owner of any of this property, but the whole revenue from every source should be distributed to the poor and travellers He desires that no bird or beast should be annoyed within these precincts nor any tree cut down As long as he lives he will do as herein set forth, and for the future he prays that a slab in English, Hindee and Persian may be put up at his residence recording the nature of the trust He prays Government to lend him assistance, and always to watch the conduct of his successors If any of them transgress these rules, and strive after worldly wealth he should be dismissed and a worthy successor appointed by Government, with the advice of respectable Hindoos."

20 To this request Colonel Dixon acceded, paying at the same time what was apparently a well-merited tribute to the worth and conduct of the petitioner, and the slab was accordingly put up where it now remains The present Dudhadharee Purmanund has it would appear, done exactly contrary to the rules laid down by his predecessor, lives anything but an ascetic life, and has converted the revenues to his own use

21 With regard to the conditions on which the grant has now been sanctioned by Government the Committee is of opinion that they are vague, likely to lead to complications, and quite opposed to the terms on which Colonel Dixon made the grant, and on which it has been hitherto enjoyed To make the Dudhadharee responsible for the protection of the road "adjacent" to his Jagir is a novelty, and to make him responsible at all, is with reference to the proposals of the Bhoom Committee, para 26 a retrograde step It cannot be expected that an ascetic such as the Dudhadharee should be, can pay compensation for losses, and the Committee agrees entirely with the Bhoom Committee as regards the propriety of abolishing all such systems of liability The Committee considers that effect should be given to the wishes

of the original grantee, and the Jagir be considered "*wakf and sadabart*," the Dudhadharee for the time being, being manager, and being liable to be removed for misconduct or breach of trust either by Government or through the Civil Court A copy and translation of the petition of the original grantee and of the order thereon accompany this report

General remarks on class I

22 The villages falling under class I, the Committee remarks are indivisible and not transferable by sale or mortgage. It is true that the Dudhadharee Purmanand has mortgaged Lallee Khera, but even he would hardly contend that he had any right to do so

23 Villages falling under the second sub-divisions, *viz* Hokran Kishnpoora and Dantra, which were given to office bearers of the Dargah in lieu of the perquisites attached to the office, are not subject to the provisions of Act XX of 1863 To the Jagirs of the Institutions themselves the provisions of Act XX of 1863 are applicable

24 The Committee is of opinion that it would be advisable to require the managers to file yearly accounts of receipts and expenditure in the Deputy Commissioners Office In the early years of British Rule the Superintendent of Ajmere freely exercised interference in the temporal affairs of the Institutions. Until, however, Act XX of 1863 is repealed by the Legislature, the Committee cannot propose that yearly accounts should be filed. On the introduction of this Act only one institution, that of the Dargah Khwaja Sahib was decided to fulfil the conditions required by Section III and a Committee was appointed for this Dargah consisting of 5 members Meer Nizam Ali President, Meer Imam Ali of the family of the Dewan, Meer Wazir Ali of the family of the Mutwalli and Abdul Luteef and Allah Rakha on the part of the Khadims. The last named member has since died and his place has been supplied by Madar Buksh, his son in law

25 The remaining Institutions fall under section IV of the Act and under section XIII it is the duty of their Managers to keep regular accounts of receipts and disbursements, while any person interested in the administration of the trust as defined in section XV, can sue under Section XIV for the production of these accounts.

26 As will be seen from the appendix, the amount of a land held revenue free by Khadims and others connected with the Dargahs is very large The Committee would recognize all grants hitherto made, but would insert a clause in the Sanad to be given to each institution, prohibiting all Managers and Committees from alienating assets of the Shrine or Institution for the future

27 In the second class that of grants to individuals the Committee recognizes two grades of Jagirdars. First those to whom the property descends by right of primogeniture and those who are now in possession of not less than half a village Secondly those who have a share in a village or in its revenue less than one half The Jagirdars of the first grade 9 in number are as follows and the villages attached to their Jagirs are shown after their names Class II

FIRST GRADE.

1	Raja Debi Singh	*Rajgurh Kothaj*
2	Dewan Ghijas ud-din Ali Khan	*Dilwara*
3	Nawab Abdul Kareem Khan	*Boraj Kampura Kesurpura Setawarean Seydaria half Durathoo*
4	Raja Balwant Singh	*Gunguana Ootra Mugra*
5	Meer Inayat ullah Shah	*Dudiana half Dilwaree*
6	Meer Nizam Ali	*Jhuruasa Bhuttiani*
7	Gulab Singh	*Arjanpura*
8	Salig Ram Jyotishi	*Mangliawas*
9	Gokul Puri Gusayen	*Chawanda*

28 In 10 of the villages above named the eldest son succeeds to the exclusion of other heirs in eight of them there are subordinate sharers besides the Jagirdar whose name has been given above The proposal of the Committee is that the share now held by Raja Debi Singh in Kothaj by the Dewan in Dilwara by Raja Balwant Singh in Gungwana Ootra Mugra by Meer Nizam Ali in Jhurwasa and Bhuttiani and by Gulab Singh in Arjanpura should be entailed in favour of the eldest son all divisions sales and mortgages being prohibited and the younger sons of the Jagirdar being entitled to receive maintenance under the same rules as the younger sons of an Istimrardar This entailing of the property will be considered a great boon by the Jagirdars for whom the custom of primogeniture does not exist and it is of course open to Government to determine the devolution of the estate

29 The subordinate sharers in these 8 villages the Committee proposes should be allowed to divide sell mortgage and make gifts among themselves (not to strangers) of the property of which they are now in possession Heirs would succeed according to the custom of the family but daughters do not and would not inherit The only interference which the Committee would

exercise is to provide that if any co sharer die without heirs his share should revert to the nearest head of his branch according to the genealogical tree so that in course of time the head of the family may have a chance of becoming sole Jagirdar

Raja Debi Singh

30 The founder of the family of Raja Debi Singh Gor was Raja Bachraj who with his five brothers came about 800 years ago from Bengal to Ajmere on their way to Dwarka Pirthi Raj Chauhan who at that time ruled the country engaged the brothers in an expedition against Daya Singh of Nagore which was successful Raja Bachraj and his brother Raja Bawan subsequently married the two daughters of Pirthee Raj Raja Bawan settled at Koochawan in Marwar Raja Bachraj remained in Ajmere In course of time Joonia Sarwar and Deolia and the adjacent territories fell into the hands of the Gor Rajputs Himayun gave a mansab of 52 000 to Raj Gopal Singh Raja Beetal Dass in the time of Akber founded Rajgurh and called it after the name of his grandson Raj Singh The son of the latter took Srinagar from the Power Rajputs This however was the climax of their prosperity for soon afterwards the Gor Rajputs were ejected from Rajgurh and all their territory by Kishor Singh Rahtor Gopal Singh Gor 25 years later recovered Rajgurh and was in possession when the country fell into the hands of the Maharattas He and his son by an arrangement with them held 12 villages besides Rajgurh till the year 1817 when Raj Singh was called on to pay Rs. 10 000 Fouj khurch and as he was unable to do so the whole was resumed On the establishment of British rule in 1818 the villages were returned to him on condition of paying Nuzrana but as the Nuzrana could not be or was not paid they were all resumed with the exception of Kothaj

31 On the 28th March 1874 a Sanad was given to Raja Debi Singh, in accordance with the orders of Government for the town of Rajgurh the Jagir to descend to the eldest son There is no Sanad extant for Kothaj but it was given by Bala Rao in Jagir In accordance with the Will of Raja Chimun Singh the property worth between Rs 200 and 300 a year is divided into 5 shares.

3 Shares Raja Debi Singh.

1 Share Bheem Singh } *Uncles of the present Rajah.*
1 Share Mohun Singh }

Dewan Ghyas ul din Ali Khan

32 Besides the Jagir of Hokran and Kishnpura which is attached to the hereditary office of Dewan Ghiyas ud-din Dewan holds a Jagir in Mouzah Dilwara. The grant was originally made by Shahjahan to Dewan Ilm ud din but on his death one third was resumed,

two thirds remained with Shaikh Hisam ud din and Shaikh Abul fata. Alamgir II restored the resumed third to Sayed Imam ud din but effect was given to the restoration by the grantee taking one third of the revenue of each portion into which the lands of the estate had been divided There are 9 sub division or "pans and the Dewan holds one pan without sharers and takes one third of the revenue of each of the remaining eight His share descends intact to the eldest son The shares of all the rest are regulated by the rules of Mohammedan Law Including the Dewan there are now 12 sharers in the Jagir

1 Pan Asad ul lah	Imrat un nisa wife of Kazi M inir u l din
2 Pan Ata ul lah	Riza Husein
3 Pan Shams ud din	Mardan Ali Inayat Ali Kudrat Ali
4 Pan Dewanjee	Dewan Ghiyas ud din
5 Pan Jalal ud din	Shams ud din Imam Al
6 Pan Baksheejee	Khurshed Bibi wife of Shams ud din
7 Pan Najeeb ul lah	Shams ud din Imam Ali
8 Pan Pishori	Shams ud din Imam Ali
9 Pan Himmat Ali	Rustam Ali Nujm ud din Ghulam Ali.

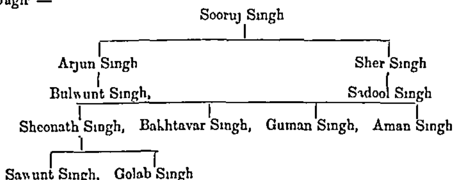
33 The ancestor of the Nawab Tahuwwar Khan accompanied Aurangzib on his expedition to Ajmere against Dara Suspecting treachery on his part however Aurangzib caused him to be put to death at Jethana where is his tomb Furukhsir made a grant of 5½ villag s to Sher ud-din Khan his son Jharwasa Sedria Boraj Kazipura Sitawarean Kesurpura and half Durathoo The village of Bhuttiani was before this held in Jagir by Abu ata khan the uncle of Sher ud din On the death of Abu ata khan who died childless Bhuttiani came to Sher ud deen There is no Sanad forthcoming it had been lost in Mr Cavendish s time Of these 6½ villages however Meer Nizam Ali and his brother Sarfaraz Ali hold Jharwasa and Bhuttani The Nawab has no sharers and the property descends to the eldest son Nawab Abdul Kurreem Khan

34 Rae Singh the ancestor of this family had five sons three of whom inherited Bir Singh got a share in Karkeri equivalent to Rs 60 000 and Sawunt Singh and Bahadur Singh divided the rest of the property equally Sawunt Singh took up his abode at Rupnagar Bahadur Singh the ancestor of the present Maharaja at Kishengurh The eldest son of Sawunt Singh Sardar Singh died childless but he enjoined that Ameer Singh son of Bir Singh should succeed him On the death of Sardar Singh Bahadur Singh Raja Bulwan Singh

refused to recognize the adoption of Ameer Singh, and took possession of Rupnagar With the help of the Maharaja of Jodhpur, however, Bir Singh and Ameer Singh obtained Rupnagar Bahadur Singh then applied to Holkar, and by the bribe it is stated of a lac of rupees procured the expulsion of Ameer Singh from Rupnagar and of Bir Singh from all his property, with the exception of Ralaota to which he had succeeded on the mother's side Bir Singh joined the Maharattas and distinguished himself in the battle of Panipat, where he was killed Madhojee Scindia in recognition of their father's worth, gave six villages in Jagir to Ameer Singh and Sooruj Singh Sirana, Mugree, *Ararka Gungwana Ootra and Mugra.* By a subsequent arrangement, Ameer Singh obtained the first three Sooruj Singh obtained Gungwana Ootra, and Mugra. Ameer Singh took service in Jeypoor, and Scindia confiscated his villages which have since been khalsa

35 Sooruj Singh had three sons to the eldest Jaswant Singh he gave Ralaota to Arjun Singh and Sher Singh he gave Gungwana Ootra and Mugra. The younger son of Arjan Singh Jeth Singh was adopted by Jeswunt Singh of Ralaota When his son Durjan Sal was born, Jeth Singh attempted to recover his share in Ajmere, but on the subject coming under arbitration his claim was negatived, and he now holds Ralaota only

36 The following Genealogical Table shows the present sharers in the Jagir —



of these the Committee propose to consider Balwunt Singh, who takes half the revenue of the three villages of the Jagir of the 1st class, and to entail his property in his eldest son, the other half of the property to be divided as at present among the sons of Sadul Singh and their heirs according to ancestral shares.

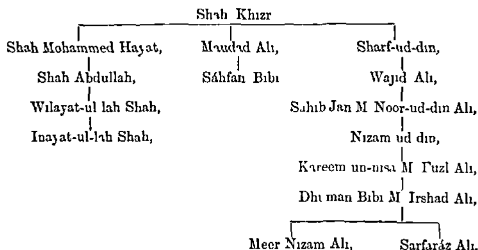
Meer Inayat Ullah Shah.

37 Meer Inayat ul-lah Shah is Jagirdar of Dudiana and of half Dilwaree, both of which it is proposed to entail The first he holds as "*Sajjada Nashin*" of the Shrine of Khwaja Maudûd Chisti in Heerát, with

which, however, neither he nor his ancestors have had any connection for a couple of centuries. Dudiana was originally Jagir of Azim Khan, a noble of the Court of Mohammed Shah, he made over his Jagir to Shah Mohammed Hayat, and procured sanction from Mohammed Shah, who issued a *farman* giving Dudiana to Mohammed Hayat "*ba furzandan ba tarikh altamgha.*" Inayat-ul-lah Shah also holds $\frac{1}{8}$th share in Hathikhera which he has received on his mother's side He also has $\frac{1}{30}$th share in Akhree

38 Dilwaree was granted in Jagir in 1720 by Farrukhsir to "*Aulad Shurf ud din bila l aul nam barae dauam ba uajh inaam,*' Inayat ul lah Shah is now in possession of half the revenue Meer Nizam Ali and Sarfaráz Ali divide the other half

39 At the time of Mr Cavendish's inquiry, the Agent of Meer Wilayat-ul lah Shah gave the following account of this Jagir



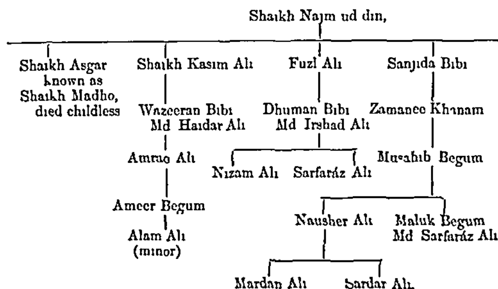
He stated that on the death of Wajid Ali, Nizam-ud-din got one-half, Wilayat-ul-lah Shah and the heirs of Maudad Ali Khan the other half, Mussummat Sahfan Bibi made a deed of gift of her share in favour of Wilayat-ul-lah Shah, 22nd Rabi us sani 1209H Inayat-ul-lah Shah says, Fuzl Ali took possession unlawfully during his minority, while acting as agent of the village, and states that Maudad Ali married Sahib Jan, and their only child was Sahfan Bibi, who gave her half the village in gift to Wilayat ul lah Shah The genealogy given above, however, seems to be the correct one

40 Meer Nizam Ali is considered the Jagirdar of Jharwasa and Bhuttiani, and his share in these two villages it is proposed to entail It will have been seen that these villages were originally granted to Sher ud- Mir Nizam Ali.

din, the ancestor of the Nawab Abdul Kareem Khan the possession of Nizam Ali is founded on a purwana of Kamr ud din Khan Wázeer of Mohammed Shah, which at the time of Mr Cavendish's inquiry was stated to be a forgery, and which has every appearance of being so This document makes over the Jagir which had been given to Sher ud din Khan including Bhuttiani to Sham Beg Khan son of Sher ud din and Najm ud din, '*pisar Khwanda*" or adopted son of Sher ud din

The question of this Jagir was perpetually cropping up during the Maharatta rule and there are numerous orders to the Soobadars some signed by Doulat Rao Scindia, some unsigned to uphold the possession of Meer Irshad Ali in Jhurwasa and Bhuttani and ½ Durathoo It appears, however, that Irshad Ali, father of Nizam Ali, never had possession in Durathoo His predecessors in the Jagir held half Durathoo and paid Rs 700 a year to the Nawab According to the Statement of the Kanoongos Najm ud din was Agent of the Nawab at the time of the grant, and the statement of the Nawab was in the time of Mr Cavendish, and is now, that the possession of Nizam Ali is clearly without right Had Mr Cavendish passed orders on his inquiry, the question would have been finally settled then, and has now settled itself by lapse of time, except in the unlikely case that Government should see fit to re open it

41 Shaikh Najm ud din had three sons and a daughter who left children with the exception of the eldest son.



In the time of Mr Wilder, Amrao Ali claimed this Jagir as the descendant of the elder son He took, however, Rs. 570 Kuchawan for his claim, and this amount is still annually paid. In the agreement about this money it is recorded that Amrao Ali's heirs may divide off there share if they wish, so as to give them a yearly rental of Rs 570, after division no complaint should be made of insufficient revenue, Mardan Ali and Sardar Ali get each Rs 62 a year, and so does Maluk Begum who has married Surfaraz Ali Of the remaining revenue Nizam Ali takes two thirds, Sarfaraz Ali one third

42 The Jagirdar is a Gor Rajput an off shoot of the Rajgurh house He holds one village Arjanpura. This was given in Jagir by Raja Ajit Singh, Rahtor, and a condition was annexed that the Jagirdar should guard the pass. Golab Singh has several Maharatta Sanads continuing the Jagir to him on this condition The Jagir thus assimilates to a Bhoom tenure but as the condition has long been forgotten, and the Jagirdar was never considered a Bhoomia, the Committee sees no reason to make any distinction now — Golab Singh

43 This Jagir descends to the eldest son The younger sons originally got only maintenance but have now obtained possession of land and wells and collect their own revenue The possession of each has been shown at the present measurement. Golab Singh is Jagirdar of all the land which is not appropriated There are 15 persons who hold land as the equivalent of their maintenance

1 Moti Singh	6 Pertap Singh	11 Mehtab Singh,
2 Bishn Singh,	7 Durjan Singh,	12 Agar Singh,
3 Kishn Singh,	8 Bhup Singh	13 Hari Singh,
4 Hunwant Singh,	9 Chotoo Singh,	14 Kamar Singh
5 Bird Singh,	10 Lal Singh,	15 Bijay Singh

44 The ancestor of Saligram Narayan Rao Jyotishi, came from Jodhpur, and the village of Manghawas was given to him by Dowlat Rao Scindia The Jagir descends to the eldest son, younger sons get maintenance There is a well and some land in this village, which is considered khalsa and was assessed by Colonel Dixon at Rs 25 The Jagirdar gave the well as Bhoom to the Kishengurh Raja, during the time he managed the revenues of the District, and at the commencement of British rule, the well being known as khalsa, remained so — Saligram Jyotishi

45 Gokulpuri Gusayen belongs to one of the twelve divisions of Sannyasis In 1767, Madho Rao Scindia gave in Jagir Chawanda and Rs 3000 in cash for the expenses of the Mausoleum of Apajee in Pushkar — Gokulpuri Gusayen

Land and Revenue.]

When the Rahtors got the District in 1786, the cash allowance was stopped, but in 1789, the Maharattas added Hurmara and Rs 950 in cash to the Jagir of the Chuttree Dowlat Rao Scindia again stopped the cash payment, but added Nand and Rampoora to the Jagir In 1820, Mr Wilder with the approval of the Gwalior Durbar separated Chawanda from the rest of the Jageer, and made it over to Dhonkulpuri as a private Jagir It has been already stated that the remaining villages of the Jagir of Apajee became Khalsa in 1860 Gokulpuri has now no connection with the Chuttree The *gaddi nishin* takes the whole revenue and provides food and raiment for his *Chelas*

46 In the remaining Jagirs of the second class, there is no person whom the Committee consider entitled to the dignity of a Jagirdar The assets are divided among all the heirs and the Committee would allow sales, mortgages and gifts among the sharers though not to strangers and would in no way interfere with the custom of inheritance These Jagirs are —

½ Akhree,	Morajhari,
Baneori	½ Nandla
Ganahera,	Hathi Khera

The half Dilwaree held by Nizam Ali and Sarfaraz Ali would also fall within this class

Akhree 47 Aurangzib in the 25th year of his reign made a grant of 910 bigahs in Akhree to Sayed Ashruf *ba furzandan madad maash* ' The Jagirdars however were soon considered to be in possession of half the village and there are parwanas of the Maharattas continuing their possession of this share Half the net revenue of villages which according to the new assessment is equivalent to Rs 429 is paid to the Jagirdars from the Treasury

48 In the time of Gumanji Rao Scindia there was a dispute about the shares in this Jagir, and it was decided by dividing the revenue into five shares

2 Shares to belong to the heirs of Sayed Ishâq
1½ Share to belong to the heirs of Noor ud din
1½ Share to belong to the heirs of Ghulam Mueen ud-din

The distribution of the assets among the sharers will, however, be rendered clearer, *by considering the number of shares to be 60, 24 belonging to the* heirs of Sayed Ishaq 18 to the heirs of Noor ud-din, and 18 to the heirs of *Ghulam Mueen ud din The value of a share is a little over Rs 7*

49 The heirs of Sayed Ishaq are now Sharf ud din and Amrao Bibi who gets Rs. 30 a year from Sharf ud-din The sister of Sharf ud din has no share. The heirs of Noor ud din are now five persons, Sarfaraz Ali and Asad Ali hold nine shares, Nur ul Hasan Alam Ali and Ashruf Ali nine shares

The heirs of Ghulam Muein ud din now in possession are ten persons Nizam Ali Vakil seven shares, Kareem Ata Sadr ud din Wazeer Ali, Ihsan Ali seven shares, Kasim Ali Khadim Husein Imam Ali Haidar Ali two shares, Meer Inayat ul lah Shah two shares.

50 The village of Baneori was granted by Shahjahan in 1633 A D to Salih Mohammed *daruesh gosha nashin dargah Khwaja Muein ud din* Salih Mohammed gave ½ the Jagir to Sayed Ahmad a cousin of his own and his decendants have since been in possession Half their share however has been sold to Mahajans who are in possession Daughters generally get a share, but not uniformly The land is not divided and the shares in the assets are 20 in number held as follows —

Ameer Ali Sharf ud din (sons of the Mutwalli)	6 shares
Rahim un nisa wife of Ameer Ali	3
Ameer Ali	6

The remaining five shares constituting the fourth share of the heirs of Sayed Ahmed have been divided into nine shares and are held as follows —

Irshad Ali one share, Ghulam Ahmad Abu Bakr and Zeinat Bibi two shares, Mewa Bibi daughter of Imam Ali ¾ share, Husein Buksh ¾ share, six Mahajans 4½ shares

51 The village of Gunaheri was given in Jagir to Sheikh Ilm ud din ancestor of the Dewan of the Dargah By a *farman* of Shajahan it was transferred to Muein ud din brother of Ilm ud din *maa farzandan madad mash*" These decendants of the Dewan are known by the name of Peer zada Gunaheri

52 The land of this Jagir was divided originally according to shares to which all agree but possession does not now correspond with the shares The devolution of the property has been very irregular some daughters have got shares but in general the weaker members of the family have got none Some sharers have made an arrangement with their co sharers by which they gave up possession and receive a fixed yearly payment This is called '*Thela Istimrar* At the present measurement the land has been recorded according to possession and 29 persons have been found to be in possession

of these two Munir Beg and Saadat Bibi receive a fixed annual sum as the equivalent of their share Twenty-seven are in possession of land, but the land of some is mortgaged for sales and mortgages have taken place among the sharers These twenty seven persons are Kazi Munir ud din Dewan Ghiyas ud din, Shafi Husein, Asgar Ali, Ghuffar Ali, Khidmat Ali Abdul Halim, Munawwer Bibi, Hussein Ali, Najuf Husein, Wazeer Begum, Mizzaz Ali Asad Ali, Sarfaraz Ali, Alim un nisa, Jaafar Ali Chuni Begum, Ashraf Ali Ramzun nisa Alam Ali Nur ul has an, Shurfun nisa Mohammed Husein, Ahmad Husein Najeebun nisa Sadr ud din, Ghulam Husein Four sharers are out of possession—Qudrat Ali, Raza Husein, Abdul Hamid, Sharf ud din

Morajhari 53 The village of Morajhari was granted by Furrukhsir in the second year of his reign to Jamal Mohammed, a khadim of the Dargah, "*maa furzandan naslan bad naslan dar wajh inaam*' The village was in farm to the Thakur of Tantotee for 45 years for Rs. 1,000 The land is not divided The Revenue is divided by ancestral shares, daughters get no share.

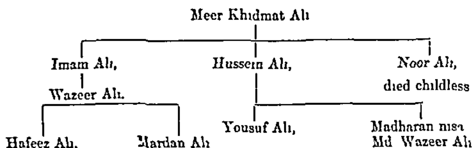
54 *There are now 7 sharers in the revenue of this village which is* divided into 8 shares.

Meer Hafeez Ali Mutwalli	1 share
Wazeer Ali, Ihsan Ali, Musharrif Bibi, daughter of Wajid Ali,	3 shares
Mohammed Husein, Ameer Ali Faiz Mohammed	4 shares

Nandla 55 The whole of Nandla was originally given as Jagir to Sheikh Futah ul lah and his brethren on account of *Kharch Urs wa madad maash* Jahangir in a *farman* of the 5th year of his reign gave 1 000 bighas on account of the expenses of the Urs festival and 5 893 bighas as *madad maash* Though not so designated in the *farman*, this latter portion has always been considered as a grant of half Nandla. The 1,000 bighas were resumed, and what remains is the grant on account of *Madad maash* The land belonging to the Jagir is distinct from the khalsa part of Nandla, and is practically a separate village.

56 The area of the Jagir by present measurement is 1,362 acres or 3 405 bighas There are 14 divisions of the land called "pans" and 65 sharers 8 of whom take a fixed amount in lieu of their shares. The family of Meer Khidmat Ali however, hold 6 of these divisions and have shares in their mother's right in some of the others and consequently Yousuf Ali, Khadim is generally considered the Jagirdar of Nandla.

The descendants of Meer Khidmat Ali are as follows —



Imam Ali died before his father, Wazeer Ali is still alive At the time of the preparation of the record, there was a hot dispute as to how it should be prepared By order of the Settlement Officer, dated 17th February 1874, Yousuf Ali was recorded as in possession of half the share of Khidmat Ali and the two sons of Wazeer Ali, and Madarun nisa as in possession of the other half.

57 Shah Mohammed Heiyat held the village of Hathikhera in Jagir before the grant to him of Dudiana. The fact is mentioned in the Dudiana grant, but there is no Sanad for this village On the death of Shah Mohammed Heiyat Dudiana, which was considered equivalent to two thirds the property fell to the lot of his son Shah Abdullah, Hathikhera was the share of his daughter Sahib Jamal The land is not divided, some daughters have a share in the revenue, some not Hathikher

58 There are now ten sharers in the revenue of this village The revenue is divided into eighteen shares, which are held as follows —

Nizam Ali Vakil	7	shares
Kareem Ata	3½	"
Wazeer Ali, Ihsan Ali, Sadr ud din	3½	"
Kasim Ali Jowad Ali, Imam Ali, Haidar Ali,	2	"
Meer Inayat ul lah Shah	2	"

Nizam Ali pays Rs 25 a year to Wazeer Ali and Hasan Ali heirs of Walun nisa

59 In the third class Jagirs belonging to bodies of men and not to individuals, there are five villages The Khadims of the Dargah Khwaja Sahib hold 3 villages *Beer, Ghegul* and *Baenja.* The *Brahmins* of the "Bari Basti" in Pushkar are Jagirdars of Pushkar The Brahmins of the Class III

'Choti Basti' are Jagirdars of Naidla. In these villages the Committee proposes to forbid sales and mortgages to strangers but to allow the Jagirdars to divide, sell and mortgage among themselves. In cases where strangers have obtained possession by sale or mortgage, the Committee proposes that the land should be resumed and assessed at full rates for the benefit of the general body of Jagirdars leaving the mortgagee or purchaser to recover from the individual who sold or mortgaged the land

Khadims — 60 It appears from a Sanad of Jahangir, dated A D 1613, that before this date 229 Khadims held three villages Of these 197 appeared before that Emperor in Ajmere These 197 men held 25,450 bighas, the absent ones 31 in number held 1866 bighas Jahangir ordered the land of the absentees to be resumed and gave 12 725 bighas or half their previous Jagir to those who attended The grant was made from the villages of Beer and Kakmeawas. The latter village is now in Kishengurh territory, and the Khadims still hold their land in it In 1710, Farruksir granted the villages of Ghegul and Baenja ' *dar wujh madad maash jam' khudama Rauzue Munawwira*"

There is a Sanad of Madho Rao Scindia, upholding the possession of the Khadims in Beer and Raegurh, the latter of which was originally distinct from Beer, but is now included in it Raegurh was the original village Beer the grazing ground connected with it

61 The land in Beer is divided into 9 puttees, in each of which there are numerous sharers numbering in all 345 In Baenja there are 7 puttees with 288 sharers. In Ghegul there are 8 puttees with 337 sharers Generally women get shares, but the revenue of some of the puttees is so minutely sub divided, as to give some sharers only about a seer of grain yearly

62 In Ghegul 140 acres have been measured and assessed as khalsa Colonel Dixon's assessment was Rs 75, the present assessment with cesses Rs 68 This land was originally Bhoom of Kishengurh, and was given back to the Jagirdars by the Commissioner of Ajmere, but by the order of the Lieutenant-Governor, North Western Provinces, dated 14th January 1848, the land was declared to be khalsa and has since remained so.

Pushkar Brahmins — 63 In Pushkar there are two sections of Brahmins, those of the ' Bas kalan " and those of the " Bas khurd," and these two are perpetually quarreling The Brahmans of the first bas, are the old residents and they number among their *jajmans* all the sovereign chiefs of Rajwarra, with the exception of the Maharaja of Jeypore He is said to have investigated the rival claims

and to have decided that the Brahmans of the "Bas khurd' are the real Brahmans.

64 The Jagir of Pushkar is of very ancient date The oldest Sanad on record is one of the Jahangir, arranging how the rival parties should divide the gifts of pilgrims and continuing the village *'dar wajh madad maash kaum pokhuriya zunnardaran."* The land of Pokhur is minutely divided, 418 sharers have been recorded as in possession of land at the present measurement **Pushkar.**

65 The village of Nandla was khalsa till the 23rd year of the reign of Shajahan, when 300 bighas were given to Kheta *Purohit Badshahee* His heirs held till 1809, when Dowlat Rao Scindia gave the whole village in Jagir to the Brahmans of ' Bas khurd." The land is minutely divided as in Pokhur, and 168 persons have been recorded as in possession of land at the present measurement **Nandla.**

66 The Committee considers it of importance that a Sanad should be given to each Jagirdar or body of Jagirdars, detailing the incidents of the tenure as herein proposed, with such alterations as may be determined on by Government

67 The tenure of Jagir Estates as between the Jagirdars and the cultivators was judicially declared by the Settlement Officer on the 13th August 1872 This declaration, if not disputed within three years becomes final. The principle adopted in the declaration was that those who had expended money in the improvement of land were owners of the land so improved the Jagirdar was declared owner of unimproved land and waste

68 The Committee is clearly of opinion that only the 9 Jagirdars mentioned in Para 27 should have been admitted to the benefits of Regulation II of 1872, for the relief of embarassed Talooqdars and Jagirdars The intention of Government was not to relieve impoverished *gentlemen* from the duty of paying their just debts but to clear encumbered Estates, and under the present classification no share less than half a village is considered an Estate The names of 26 Jagirdars were submitted to and approved by Government This list contains the names of those who were well known and recognized as Jagirdars by the District authorities but as no record of the actual sharers existed the list was necessarily imperfect, and omitted the names of several gentlemen who are just as much entitled to be considered Jagirdars as the majority of those whose names were included in the list On the other hand the Dudhadhari, who is merely a Manager of a

Jagir, should not, according to the Committee's view of the subject, have found a place in the list at all Now, however that many sharers in Jagir Estates besides the nine above referred to have been admitted to the benefits of the Regulation, the Committee is of opinion that all who filed applications before the 1st December 1873, may as an act of grace be allowed to participate in the benefit of the rules On this point, however, the Committee can only express an opinion Government has now the materials for forming a decision as to who should be considered the owner of an encumbered Estate

69 From the accompanying Tabular Statement of Area and Revenue of each Jagir, it will be seen that the average revenue of the whole for 10 years including the four villages of Neela Seoree, Ganahera Beer and Pushkar for which rent rolls were not procurable, is Rs. 91,000 approximately These rent rolls it is believed are in general very fairly correct, and liability to error has been as far as possible avoided by taking an average of 10 years Of this sum Rs 42 740 belong to the 1st class or endowments of Institutions. In all Jagir villages the Revenue is taken in kind and the rates of collection vary much from village to village In some villages half the produce is taken but these are few in number The average rate may be taken to be between ⅓rd and ¼th the produce. A number of extra cesses are taken, aggregating on the whole more than 16 per cent of the total collections With these extra cesses the collections may be considered equal to a full third of the produce. The Committee would have wished to provide some scheme for the commutation or consolidation of these extra cesses, but they are unable to suggest any and it is not proposed to interfere with them The cesses have all been recorded at the present Settlement, and only those can be taken which have been recorded It is not likely that many of the Jagirdars will desire a Settlement at the rates which have been adopted for the khalsa. If any desire a ten years Settlement they can obtain it at ¼th the produce, exclusive of cesses, which must remain separate, by application to the Settlement Officer

70 The total area of Jagir in the District is 1,37,955 acres Of this amount 10 156 acres are protected by wells. It will be seen that an amount equal to nearly one fourth of the well irrigated land belonging to the Jagirs is well land held free of assessment, and its revenue is enjoyed by individual Muafeedars. In the Jagir of Meeran Hussain, the Muafeedars hold more well land then belongs to the khalsa of the Durgah. These milk holdings have been or will be all carefully attested by the Settlement Department

71. The precedent has recently been established in the case of Gungwana, that when any Bhoom or Muafi land situated within the limits of a Jagir village, is resumed, the revenue of such land belongs to the Jagirdar and not to Government This precedent in the opinion of the Committee should be followed.

72 In conclusion the Committee desires to record its appreciation of the care and ability with which the materials and statistics necessary for this inquiry have been collected and collated by the joint Secretary, Pundit Maharaj Kishn.

H. M. REPTON, DEPUTY COMMR., *President of Committee*

J D LA TOUCHE, S O, *Secretary of Committee*

MUNSHI AMEEN CHUND, *Judicial Assistant Commr.*

RAJA BULWUNT SINGH, *Jagirdar of Gungwana*

PUNDIT MUHARAJ KISHN, *Ex. Asst Commr, Settl Dept*

INAYAT-UL-LAH SHAH, *Jagirdar of Dudhiana.*

MEER HAFEEZ ALI, *Jagirdar of Moraghari and Dantra*

MEER NIZAM ALI, *Jagirdar of Jhuruassa and Bhuttianee*

Translation of petition of the Dudhádhárí, dated 14th April 1848, to COLONEL C G DIXON, *Superintendent of Ajmere and Meruara*

"With your assistance, and in accordance with your directions, I have built a temple to Banki Beharji, in the waste tract between Nausar Ghat and Kuppul Kund Chouki I have dug a baori and wells, I have planted two groves, and many mango trees I have collected many milch cattle, and have established a charity for the poor and travellers on this road My only object in thus amassing worldly wealth, is that, it may all be considered "*wakf*" for the service of God, and that the poor and travellers may derive benefit therefrom Let none of my successors consider himself owner or heir of any portion of this property, but let him always spend the revenue in almsgiving Let him sell nothing for his own benefit, let him convert nothing to his own use Let no person annoy any bird or beast within these precincts, let no person cut down any tree As long as I live, I shall do as herein set forth, but without the aid of Government this charity cannot be perpetual I pray therefore that Government may order a slab of marble to be erected, and on it be engraved my wishes as above set forth, and it be recorded, that if any of my successors act contrary to this my disposition, God

will visit him and that the Officers of Government will always render assistance and always watch the conduct of my successors. If any transgress these rules and live a worldly life that Government will dismiss him and appoint a fit successor with the advice of respectable Hindoos.

On this is the order of COLONEL DIXON *dated 14th April 1848*

For 25 years the Dudhahari has lived in Neela Seorce by the permission of the District authorities It was a place of rock and sand and by continuous toil and the expenditure of thousands of rupees he has planted many fruit trees dug wells and a baori built a temple and a house and rendered the place habitable Owing to his residence here robberies and dacoities have ceased He nourishes the poor and him that has none to help him He now desires to perpetuate his ever flowing benevolence His motives are deserving of reward in a future life His request is beneficial to the public and deserving of support His request is granted Let the stone be erected engraved in English *Hindee and Persian and let Government in future years provide for the fulfilment of the petitioners wishes

(True Translation.)

J DIGGES LA TOUCHE

Secretary to Committee

**The inscription on the stone is quaint and is as follows —*

I Dudhadhari do hereby ordain that my Chelas shall distribute the flowers fruit and other produce of the garden and Kanhiya Ji's temple both situated under Neela Seorce of Nagpahar in the vicinity of the town of Ajmere in charitable and hospitable purposes, and that none shall have any power whatever either to sell or mortgage either the garden its produce or the temple Let no Government for the sake of Parmeshwar Khuda and Mohammed and Jesus Christ seize upon them as unclaimed property or on any other ground.

Here follows a rough delineation of two Europeans in a sitting attitude, said to represent Moses and Jesus Christ and of a pig and a cow emblems to awe Mohammedan and Hindoo Governments

Note by MEER NIZAM ALI, *Member of the Committee*

At the commencement of British rule, Mr Wilder investigated the old Sanads, and in October 1818 reported that 6½ villages were held in Jagir by Sham Beg Khan and Sheikh Najm ud din Government sanctioned the Jagir Again at the request of my father, Irshad Ali, he made a report in order to obtain remission of certain cesses During this time Inayat-ul lah Khan made no representation In Mr Cavendish's time my father's enemies induced Inayat ul lah Khan to lodge objections, but beyond giving false evidence they could prove nothing, and were punished Consequently Mr Cavendish thought the case unworthy of attention This was 45 years ago, and on three occasions the Governor General and Lieutenant Governor visited Ajmere, inspected the records, and inquired into the past history of the District from the District Officers Many Officers served in Ajmere since Mr Cavendish's time, and it moves wonder that none of them paid attention to this file, nor does it appear that any complaint was made before them After this lapse of time these ancient proceedings are worthless and void I have always been in possession of Jharwasa and Bhattianee

As to Dilwara it was given by Farrokhsir to the children of Shurf-ud din His son was Mohammed Ishaq Ali who got possession and his descendants are correctly given by Inayat Ali, father in law of and Manager for Inayat ul lah Shah I hold half Dilwara by *farman* and deed of gift

The decision arrived at by the Committee regarding Makhopura is sudden death to me, and is not in accordance with the orders of Doulat Rao Scindia. I beg that this note of mine may be filed with the proceedings of the Committee.

(True Translation)

J DIGGES LATOUCHE
Secretary to Committee

List showing area of Jagir Villages with nature of the Land, its Jamma, and the new Assessment, at per Khalsa villages, with cesses at Rs 3-2-0 per cent in the Ajmere Tehsil.

No	Name of Jagirdars.	Nature of Cultivated land	Area and nature of land						Average rent roll for 10 years		Assessment as per Khalsa villages now levied by Settlement Officer	Amount of cesses at 3 2 0 per cent.	Remarks
			Chahee	Talabee.	Abee.	Baranee.	Uncultivated	Total	Average of Jamma excluding cesses	Average of Jamma including cesses			
							Class	I					
1	Jagir of Durgah Khawaja Sahib	Khalsa Jagir	3,136	226	415	8,600	31,535	43,912	27,313 0 0	32,430 0 0	21,402 0 0	670 0 0	
		Muaffee	1,196	47	43	549	1,069	2,904					
		Bhoom	678	23	6	1,162	578	2,447					
	Total		5,010	296	464	10,311	33,182	49,263					
2	Jagir of Durgah Meeran Sahib.	Khalsa	538	66	72	1,218	3,122	5,016	3,862 0 0	4,367 0 0	3,040 0 0	96 0 0	
		Muaffee	586	9	4	482	126	1,207					
		Bhoom	117	9	6	181	76	389					
	Total	. .	1,241	84	82	1,881	3,324	6,612					

List showing the area of Jagir Villages—(Continued)

No.	Name of Jagirdars.	Nature of Cultivated land	Area and nature of land						Average rent roll for 10 years		Assessment as per Khalsa villages now levied by Settlement Officer	Amount of cesses at 3 2 0 per cent	Remarks
			Chahee.	Talabee.	Abee	Baranee	Uncultivated	Total	Average of Jamma excluding cesses	Average of Jamma including cesses.			
	Jagir of Chilla Bara Peer	Khalsa	197			400	1,820	2,417	1,[illegible]08 0 0	1,553 0 0	1 110 0 0	35 0 0	
		Muaffee	8			22		30					
		Bhoom	16			1	2	1					
	Total		221			423	1,822	2,460					
4	Jagir of Nath Dwara Temple	Khalsa	325	.	84	609	778	1 79[illegible]	1,372 0 0	1 426 0 0	2,035 0 0	64 0 0	
		Muaffee	19		.	17	1	3					
		Bhoom			...	.							
	Total	.	344		84	52[illegible]	779	1 833					

5	Jagir Chutree Surjee Rao	Khalsa	269		93	767	2,573	3,702	2,742	0	0	2,064	0	0	1,811	0	0	67	0	0
		Muafi	56		9	62	76	203												
		Bhoom	116		6	139	298	559												
	Total		441		108	968	2,947	4,464												
6	Jagir Charitable Trust of Dudhadharee	Khalsa	10			3	821	834							150	0	0	5	0	0
		Muad			.															
		Bhoom																		
	Total		10			3	821	834												
	Grand Total	Khalsa	4,475	192	664	11,597	40,649	57,677	36,497	0	0	42,710	0	0	29,557	0	0	927	0	0
		Muafi	1,865	56	56	1,132	1,272	4,391												
		Bhoom	927	32	18	1,483	954	3,414												

List showing the arr t of Jagir Villages—(Continued)

No.	Name of Jagirdars.	Nature of Cultivated land	Area and nature of land: Chahee.	Talabee	Abee	Barani	Uncultivated	Total	Average rent roll for 10 years: Average of Jamma excluding cesses	Average of Jamma including cesses.	Assessment as per Khalsa villages now levied by Settlement Officer	Amount of cesses at 3 2 0 per cent	Remarks
							Class	II.					
1	Jagir of Raja Debi Singh	Khalsa Jagir	4 6	[illegible]0	4 [illegible]2	1 [illegible]	7 4[illegible]	9 078	K t [illegible] 601 0 0	Kotajn and Rajgarh 4 287 0 0	3 09[illegible] [illegible] [illegible]	[illegible] 0 0	
		Muafi	58		3	17[illegible]	3[illegible]	209					
		Bhoom	6			4[illegible]	5	57					
	Total		520	[illegible]0	459	1 4[illegible]	7 493	10 034					
2	Jagir of Dewan Chiyas ud-din Ali Khan	Khalsa Jagir	276	8	[illegible]8	[illegible]08	4 6	1,006	1,659 0 0	2,047 0 0	1 32[illegible] 0 0	41 0 0	
		Muafi	7			3	1	11					
		Bhoom											
	Total		233	8	78	211	437	1,017					

3	Jagir of Nawab Abdul Kareem Khan	Khalsa	735	500	324	2,832	9,451	12,002	8 384	0	0	9,218	0	0	6,980	0	0	106	0	0	Cesses of ½ Mowza Derathoo not entered in this list, it is entered in the khalsa list
		Muaffee	10	16	6	50	1	83													
		Bhoom	78	3	5	241	62	952													
	Total		883	519	335	3,123	9,077	13 03													
4	Jagir of Raja Bulwunt Singh	Khalsa	630			3,553	2,840	7,02	3,515	0	0	3,791	0	0	3 004	0	0	121	0	0	
		Muaffee	191			637	219	1,070													
		Bhoom	130			431	45	606													
	Total		951			4,621	3,133	8,70													
5	Jagir of Inayat ul lah Shah	Khalsa	743	29	57	759	2,155	* 3,803	2,852	0	0	3,298	0	0	2,905	0	0	91	0	0	
		Muaffee	29			13	16	58													
		Bhoom	62			38	6	106													
	Total		834	29	5	810	2,177	* 3,96													

* So in the original, there is a difference of 60 bighas which appears to be a clerical mistake

List showing the area of Jagir Villages—(Continued)

No.	Name of Jagirdars.	Nature of Cultivated land	Area and Nature of Land						Average Rent Roll for 10 years		Assessment as per Khalsa villages now levelled by Settlement Officer	Amount of cesses at 3 ° 0 per cent	Remarks
			Chahee	Tabee	Abee	Baranee	Uncultivated	Total	Average of Jamma excluding cesses	Average of Jamma including cesses			
6	Jagir of Meer Nizam Ali	Khalsa	[illegible]	409	3"	1,021	8 540	10 820	4 " 6 0 0	5 545 0 0	3 545 0 0	110 0 0	
		Muaffee	6	23	2	60	68	216					
		Bhoom	43	35	27	30	119	24					
	Total		4 0	466	533	1 114	8 720	11 293					
7	Jagir of Gulab Singh	Khalsa	1°	3	111	573	900	1,744	572 0 0	63° 0 0	901 0 0	28 0 0	
		Muaffee	6		4	20	1	3					
		Bhoom											
	Total		133	33	115	599	901	1 781					
8	Jagir of Salig Ram Jyotishi.	Khalsa	301	8	8	648	1,45	2 43	2 074 0 0	2 ° 09 0 0	1,736 0 0	54 0 0	
		Muaffee	12					1					
		Bhoom	1"			1	21	53					
	Total		330	8	8	668	1 488	2 49					

9	Jagir of Gokulpuri Gosaeen	Khalsa	186	30	123	275	70	1,329	1,336	0	0	1,[illegible]57	0	0	1,310	0	0	41	0	0	
		Muaffee			4		9	13													
		Bhoom	42			[illegible]	3	[illegible]													
	Total		228	3[illegible]	127	[illegible]	72[illegible]	1,39													
	Grand Total	Khalsa	3,885	1,11[illegible]	1,60[illegible]	11,12[illegible]	33,01	50,74	25,619	0	0	32,585	0	[illegible]	25,758	8	[illegible]	692	0	[illegible]	Cesses of 4 Mowza Dera thoo not entered in this list, it is entered in the list of khalsa villages
		Muaffee	349	39	8	[illegible]	3[illegible]	1,79[illegible]													
		Bhoom	378	4[illegible]	32	8[illegible]6	9[illegible]	2,07													
	Total		4,612	1,19[illegible]	1,71[illegible]	12,893	34,[illegible]0[illegible]	54,[illegible]14													
					In[illegible] PART OF CL[illegible]SS II																
1	Half of Akhree	Khalsa	50	30	64	23	171	550	76[illegible]	0	0	765	0	0	42	0	[illegible]				
		Muaffee																			
		Bhoom	5			25		30													
	Total		5[illegible]	[illegible]	64	260	171	58[illegible]													
2	Banneoree	Khalsa	7[illegible]	5[illegible]	10	577	2,20[illegible]	2,92[illegible]	927	0	[illegible]	1,120	0	0	704	0	0	22	0	0	
		Muaffee				17	14	31													
		Bhoom	1[illegible]	6	13	7	32	14													
	Total		94	5	23	673	2,248	3,09[illegible]													

List showing the area of Jagir Villages—(Continued)

Name of Jagirdars.	Nature of Cultivated land	Area and nature of land						Average rent roll for 10 years		Assessment as per Khalsa villages now levied by Settlement Officer	Amount of cesses at 3 2 0 per cent	Remarks
		Chahee	Talabee	Abee	Baranee	Unculturated	Total	Average of Jamma excluding cesses	Average of Jamma, including cesses			
Cunahera	Khalsa	13[illegible]	55	22	172	1,620	2,10[illegible]			1,511 0 0	48 0 0	
	Muaffee	19		3	3		2					
	Bhoom ...	2	8	13	23	2	71					
Total		153	63	230	198	1,64[illegible]	2,20					
Morajharee	Khalsa	28[illegible]	4	17	667	1,372	2,391	2,18[illegible] 0 0	2,33[illegible] 0 0	1,534 0 0	45 0 0	
	Muaffee ..	17	2		71	2	91					
	Bhoom	51	2		38	61	15					
Total		350	40	17	77	1,43[illegible]	2,62[illegible]					

5	Half of Nandla	Khalsa	289		55	4 8	540	1 30	1 028	0	0	1 841	0	0	1 317	0	0	42	0	0
		Muaffee																		
		Bhoom																		
	Total		289		55	4 8	540	1 36												
6	Hatheekhera	Khalsa	99		3	3	0 1	1	1	[illegible]	[illegible]	98	[illegible]	[illegible]	4	[illegible]	[illegible]	1	0	[illegible]
		Muaffee	13			1	11	41												
		Bhoom																		
	Total		112		3	3	03	2 40												
	Grand Total	Khalsa	932	1	30	434	7 9	11 840	2	0	0	7 01	0	0	6 112	0	0	1	0	0
		Muaffee	45	2	3	111	2	18												
		Bhoom	6	16	6	16	118	401												
	Total		1 0 3	197	398	7 10	8 071	12 42												

No 31, dated Ajmere, the 12th January 1875

From—J DIGGES LA TOUCHE, ESQ, Settlement Officer, Ajmere

To—L S SAUNDERS, ESQ, Commissioner, Ajmere.

SIR,

In reply to your No 3922, dated 31st December 1874, enclosing a letter from the Chief Commissioner, No 1020 of 28th December 1874, I have the honor to forward thirty separate proposition statements, one for each of the Jagir grants of Ajmere

2 The classification adopted is as follows —

I A.—Endowments of Institutions, and sacred Buildings

I B—Endowments of offices connected with these Institutions

II A.—Personal grants, where there is a sole Jagirdar

II B—Personal grants, where there is a Jagirdar and subordinate sharers

II C—Personal grants, where there is no Jagirdar

III—Grants to Corporations

3 The detailed remarks on each Estate render unnecessary any lengthened explanation I would, however, direct attention to Nila Seori, Jharwasa and Bhattianee and Bawori as perhaps requiring explicit orders It will be observed that the rule of succession among the subordinate sharers in Class II B, is, (in accordance with the order of the Chief Commissioner in para 4 of his letter,) that of primogeniture

No. 1

JAGIR ESTATES, AJMERE.

(Separate Proposition Statement)

DARGAH KHWAJA SAHIB

Class.	Name of Jagirdars	Area and nature of land: Chabee	Talabee	Abee	Baranee	Uncultivated	Total	Average rent roll for 10 years: Excluding cesses	Including cesses	Settlement Officer's Assessment as on Khalsa	Cesses at 3 2 0 per cent.	Tenure and conditions of the grant
								Rs.	Rs	Rs	Rs	
A	Dargah of Khwaja Muien ud din Chisti, commonly called Khwaja Sahib	Khalsa										The grant of this Estate is in perpetuity, and lasts as long as the Dargah exists, and the objects of the endowment are fulfilled, no part of the estate is transferable by sale or mortgage. It is the duty of the Manager and of the Committee appointed under Section 3, Act XX of 1863 to keep the accounts required by the Act, and to provide that the assets are expended for the purposes of the Institution. Neither the Manager nor the Committee has any power to alienate the revenue paying land of the estate, on revenue free tenure. The grant is made to the Institution itself, and the Manager and the Committee, are trustees for carrying out the purpose of the Institution. J DIGGES LA TOUCHE, *Settlement Officer, Ajmere.*
		2,345	220	124	7,343	24,789	34,821	21,116	25,252	16,324	530	
		Mulk.										
		1,129	33	35	535	1,065	2,797					
		Bhum										
		377	23	6	902	463	1,771					
	Total	3,851	276	165	8,780	26,317	39,389					

The Estate contains the following 14 villages exclusive of Datra, Hokran and Kishnpura which belong to class I B —

1 Amba Masseena
2 Budhwara
3 Parbutpura
4. Pecholean
5 Tillora
6 Chandsain
7 Khwajpura
8 Khwajpura Bhirwae
9 Kadampura
10 Kanea
11 Khyria (Khwaja Sahib)
12 Kayur
13 Korari
14 Nabab

No. 2

JAGIR ESTATES, AJMERE.

(Separate Proposition Statement)

HOKRAN KISHNPURA.

Class	Name of Jagirdars	Area and nature of land						Average rent roll for 10 years		Settlement Officer's Assessment as on Khalsa.	Cesses at 3-2-0 per cent	Tenure and conditions of the grant
		Chahee.	Talabee	Abee	Baranee	Unculti vated	Total	Excluding cesses	Including cesses.			
								Rs.	Rs	Rs	Rs	
		Khalsa										
I B	Dewan for the time being, of Dargah Khwaja Muien ud din Chisti	278	6	291	531	5,013	6,119	2,908	3,634	2,101	69	The two villages Hokran and Kishnpura form one Estate, which falls under the second Sub-division of Class I, being held by the Dewan of the Dargah, in lieu of the perquisites attached to his office *The estate is indivisible, and no part of it is transferable* by sale or mortgage It is not subject to the provisions of Act XX of 1863 The Dewan for the time being, is entitled to enjoy the revenue, and as the villages form part of the endowment of the Dargah, the grant will *last as long as the Dargah exists.*
		Milk										
		12	14	8	4	2	40					
		Bhum										
		87			46	92	225					
	Total	377	20	299	581	5,107	6,384					J DIGGES La TOUCHE, *Settlement Officer, Ajmere*

No 3

JAGIR ESTATES, AJMERE

(Separate Proposition Statement)

DANTRA.

Class	Name of Jagirdars	Area and nature of land						Average rent roll for 10 years		Settlement Officer's Assessment as on Khalsa	Cesses at 3 2 0 per cent	Tenure and conditions of the grant
		Chahee	Talabee	Abee	Baranee	Unculti vated	Total.	Excluding cesses	Including cesses			
								Rs	Rs	Rs	Rs	
I B	Mutwalli for the time being of Dargah Khwaja Muien ud din Chisti	Khalsa										
		513			726	1,733	2 972	3 289	3,544	2,287	71	This Estate falls under the second sub division of Class I, being held by the Mutwalli of the Dargah in lieu of the perquisites attached to his office It is indivisible and no *part of it is transferable* by sale or mortgage. It is not subject to the provisions of Act XX of 1863 The Mutwalli for the time being, is entitled to enjoy the revenue and as the village forms part of the endowment of the Dargah, the grant will last as long as the Dargah exists.
		Milk										
		55			10	2	67					
		Bhum										
		214			214	23	451					
	Total	782			950	1,758	3,490					J DIGGES La TOUCHE, *Settlement Officer, Ajmere*

No. 4

JAGIR ESTATES, AJMERE.

(Separate Proposition Statement)

DARGAH MEERAN SAHIB

Class	Name of Jagirdars	Area and nature of land						Average rent roll for 10 years		Settlement Officer's Assessment as on Khalsa	Cesses at 3-2-0 per cent	Tenure and conditions of the grant
		Chahee	Talabee	Abee	Baranee.	Uncultivated	Total	Excluding cesses	Including cesses			
								Rs	Rs	Rs.	Rs	
I A	Dargah of Sayed Meeran Husein, commonly called Meeran Sahib.	Khalsa										
		538	66	72	1,218	3,122	5,016	3,862	4,367	3,019	96	The grant of this Estate is in perpetuity and lasts as long as the Dargah exists, and the objects of the endowment are fulfilled. No part of the Estate is transferable by sale or mortgage. It is the duty of the Manager to keep the accounts required by Section 4, Act XX of 1863 and to provide that the assets are expended for the purposes of the Institution. The Manager has no power to alienate the revenue-paying land of the Estate on revenue free tenure. The grant is made to the Institution itself, and the Manager is a trustee for carrying out the purposes of the Institution
		Mulk										
		586	9	4	482	126	1,207					
		Bhum										
		117	9	6	181	76	389					
	Total	1,241	84	82	1,881	3,324	6,612					

The Estate contains three villages, Dorai, Somulpur and Khyria (Meeran Sahib.)

J. DIGGES LA TOUCHE,
Settlement Officer, Ajmere.

No. 5

JAGIR ESTATES, AJMERE.

(Separate Proposition Statement)

MAKHUPURA.

Class	Name of Jagirdars	Area and nature of land						Average rent roll for 10 years		Settlement Officer's Assessment as on Khalsa	Cesses at 3 2 0 per cent	Tenure and conditions of the grant
		Chahee	Talabee	Abee	Baranee	Uncultivated	Total	Excluding cesses	Including cesses			
								Rs	Rs	Rs.	Rs	
		Khalsa										
I A	Dargah of Pir Dastgir, commonly called Chilla Bara Pir.	197		..	400	1,820	2,417	1,208	1,553	1,110	35	The grant of this Estate is in perpetuity and lasts as long as the shrine exists, and the objects of the endowment are fulfilled No part of the Estate is transferable by sale or mortgage It is the duty of the Manager to keep the accounts required by Section 4, Act XX of 1863, and to provide that the assets are expended for the purposes of the Institution The Manager has no power to alienate the revenue paying land of the Estate on revenue free tenure The grant is made to the shrine itself, and the Manager is trustee for carrying out the purposes *of the Institution*
		Milik.										
		8	...	...	22		30					
		Bhum.										
		16	...		1	2	19					
	Total ...	221	.		423	1,822	2,466					

J DIGGES LA TOUCHE,
Settlement Officer, Ajmere.

No. 6

JAGIR ESTATES, AJMERE.

(Separate Proposition Statement.)

BHAWANI KHERA

Class	Name of Jagirdars.	Area and nature of land						Average rent roll for 10 years		Settlement Officer's Assessment as on Khalsa.	Cesses at 3-2-0 per cent.	Tenure and conditions of the grant
		Chahee	Talabee	Abee	Baranee	Uncultivated	Total	Excluding cesses	Including cesses.			
								Rs	Rs	Rs.	Rs	
I A	Temple of Nathdwara in Meywar	Khalsa.										
		325		84	609	778	1,796	1,372	1,426	2 035	64	The grant of this Estate is in perpetuity and lasts as long as the temple of Nathdwara exists, and the objects of the endowment are fulfilled. No part of the Estate is transferable by sale or mortgage. It is the duty of the Manager to keep the accounts required by Section 4, Act XX of 1863, and to provide that the assets are expended for the purposes of the Institution. The Manager has no power to alienate the revenue paying land of the Estate on revenue free tenure. The grant is made to the temple itself and the Manager is a trustee for carrying out the purposes of the Institution.
		Mulk										
		19			17	1	37					
		Bhum	Nil									
	Total	344		84	626	779	1,833					J. DIGGES LA TOUCHE, *Settlement Officer, Ajmere*

No 7

JAGIR ESTATES, AJMERE

(Separate Proposition Statement)

BHAGWANPURA LALIKHERA

Class	Name of Jagirdars	Area and nature of land: Chahee	Talabee	Abee.	Baranee	Uncultivated	Total	Average rent roll for 10 years: Excluding cesses	Including cesses	Settlement Officer's Assessment as on Khalsa	Cesses at 3 2 0 per cent	Tenure and conditions of the grant
		Khalsa						Rs.	Rs	Rs	Rs	
I A	Chatri Surji Rao	269		93	767	2 573	3,702	2,742	2 964	1,811	57	The grant of this Estate is in perpetuity, and lasts as long as the tomb exists and the objects of the endowment are fulfilled No part of the estate is transferable by sale or mortgage It is the duty of the Manager to keep the accounts required by Section 4 Act XX of 1863, and to provide that the assets are expended on the necessary expenses of the tomb, and in alms giving The Manager has no power to alienate the revenue paying land of the Estate on revenue free tenure The grant is made to the tomb itself, and the Manager is a trustee for carrying out the purposes of the Institution.
		Mulk										
		56		9	62	76	203					
		Bhum										
		116		6	139	298	559					
	Total	441		108	968	2 947	4,464					J DIGGES LA TOUCHE, *Settlement Officer, Ajmere*

No 8.

JAGIR ESTATES, AJMERE

(Separate Proposition Statement)

NILA SEORI

Class	Name of Jagirdars.	Area and nature of land						Average rent roll for 10 years		Settlement Officer's Assessment as on Khalsa	Cesses at 3 2 0 per cent	Tenure and conditions of the grant
		Chahee	Talabee	Abee	Baranee	Uncultivated.	Total	Excluding cesses	Including cesses			
										Rs	Rs	
II A, by the Committee it is classed as IA	Charitable trust of Dudhadhari	10			3	821	834	Not procurable		150	5	T . . . proposed to . . s belonging to . able trust of . a for the time . . . ut the estate . . correctly be . . e grant is in idhadhari for . , part of the . e by sale or dition of the . dhadhari pro road through . . is adjacent to . . pay compen s which may of the road e Pass to the
		Bhum and Muafik Nil										

J DIGGES LA TOUCHE,
Settlement Officer, Ajmere

No. 9

RAJGURH.

JAGIR ESTATES, AJMERE

(Separate Proposition Statement)

Class	Name of Jagirdars	Area and nature of land: Chahee	Talabee	Abee	Baranee	Unculti vated	Total	Average rent roll for 10 years: Excluding cesses	Including cesses	Settlement Officer's Assessment as on Khalsa	Cesses at 3 2 0 per cent	Tenure and conditions of the grant
								Rs	Rs	Rs	Rs	
IIA	Raja Devi Singh, Gor of Rajgurh	Khalsa										T
		451	90	414	899	6,912	8,766		3,673	3,940	92	
		Milk										
		58	.	37	136	30	261					
		Bhum		Nil								
	Total	509	90	451	1,035	6,942	9,027					

J DIGGES LA TOUCHE,
Settlement Officer, Ajmere.

No. 10.

JAGIR ESTATES, AJMERE.

(Separate Proposition Statement)

KOTAJ

Class.	Name of Jagirdars	Area and nature of land						Average rent roll for 10 years		Settlement Officer's Assessment as on Khalsa	Cesses at 3-2-0 per cent	Tenure and conditions of the grant
		Chahee	Talabee	Abee.	Baranee.	Uncultivated.	Total	Excluding cesses	Including cesses			
								Rs	Rs	Rs	Rs	The grant of this estate is in perpetuity. The share now held by Raja Devi Singh herein termed "the Jagirdar" is not transferable by sale, and shall not be sub divided by any law of inheritance; but shall descend in block to the nearest by kindred or adoption In the event of disputes, or of the extinction of all title to succeed Government shall determine the succession by executive order The Jagirdar shall have power to mortgage for his own life time only, except by consent of Government The younger lineal descendants of the Jagirdar are entitled to receive maintenance under the same rules as the younger sons of an Istimrardar The shares of Bheem Singh and Mohan Singh are not transferable by sale, and shall descend in block to the nearest by kindred or adoption In case of failure of heirs their shares shall lapse to the Jagirdar or his successors They and their successors may mortgage to a stranger, but only for the term of the mortgagor's life to each other or to the Jagirdar, mortgages are allowed without limit J DIGGES LA TOUCHE, *Settlement Officer, Ajmere*
I B	Raja Devi Singh, Gor of Rajgurh, Jagirdar, and Bheem Singh, Mohan Singh	Khalsa										
		5		8	355	544	912	601	614	149	5	
		Milk										
					36	2	38					
		Bhum										
		6	..		46	5	57					
	Total	11		8	437	551	1,007					

No 11.

JAGIR ESTATES, AJMERE.

(Separate Proposition Statement.)

DILWARA.

Class	Name of Jagirdars	Area and nature of land: Chahee	Talabee	Abee.	Baranee.	Unculti vated.	Total.	Average rent rol for 10 years: Excluding cesses.	Including cesses.	Settlement Officer's Assessment as on Khalsa.	Cesses at 3 2 0 per cent.	Tenure and conditions of the grant.
								Rs.	Rs.	Rs	Rs.	
IIB	Ghiyas ud din Ali Khan, Dewan of Dargah and Imratunnisa Riza Hussain, Mardan Ali Inayat Ali, Kudrut Ali, Sham sud din, Imam Ali Khurshed Bibi, Rustam Ali, Najim ud din, Ghulam Ali ..	Khalsa.										-te is in perpe- eld by Ghiyas- n termed the rable by sale, vided by any nall descend in t by kindred event of dis- i of all title to all determine -cutive order. ive power to ife time only ernment. The nts of the Ja- ceive mainte- rules as the rardar. by the subor- -ansferable by block to the adoption. In their shares girdar or his eir successors to a stranger, but only of the mortgagor's life 'ves and to the Jagirdar, allowed without limit GGES LA TOUCHE, *-ttlement Officer, Ajmere.*
		276	8	78	208	436	1,006	1,559	2,047	1,322	41	
		Mulk.										
		7	..		3	1	11					
		Bhum.		Nil.								
	Total .	283	8	78	211	437	1,017					

No. 12

JAGIR ESTATES, AJMERE

(Separate Proposition Statement)

Class	Name of Jagirdars	Area and nature of land						Average rent roll per 10 years		Settlement Officer's Assessment as on Khalsa	Cesses at 3 2 0 per cent.	Tenure and conditions of the grant.
		Chahi	Talabi	Abi	Barani	Uncultivated.	Total	Including cesses	Excluding cesses			
								Rs.	Rs	Rs	Rs	
IIA	Nawab Abdul Kurim Khan	Khalsa										The grant of th s estate is in perpetu ty The estate is not transfer able by sale and shall not be divisible by any law of inheritance but shall descend in block according to the customary law of succession applicable to the nearest by kindred or adoption In the event of dispute or of the extinction of all title to succeed Government shall determine the succession by executive order The Jagirdar shall have power to mortgage only for his own lifetime except by consent of Government The younger sons of the Jagirdar are entitled to receive maintenance under the same rules as the younger sons of an Istimrardar
		795	500	324	2 63?	8 451	1? 90?	8 394	9 ?18	6 986	10?	
		Milk										
		10	16	6	50	1	83					
		Bhum										
		78	3	5	241	625	9?2					
	Total	883	519	335	3 126	9 077	13 93					

The estate consists of the following villages (1) Boaraj Kazipura (2) Sitawareen (3) Selara (4) Kesarpura In the area above given are included half the areas of the six hamlets into which the old village of Durathu has been now divided and from each of which the Jagirdar receives half the net Government Revenue, viz —Durathu Motipura Jagpura Ratakhera Dhola Danta Chat

J DIGGES LATOUCHE
Settlement Officer Ajmere

No 13

JAGIR ESTATES, AJMERE

(Separate Proposition Statement)

GUNGWANA, OOTRA MAGRA

Class.	Name of Jagirdars	Area and nature of land: Chahi	Talabi	Abi	Barani	Uncultivated	Total	Average rent roll for 10 years: Excluding cesses	Including cesses	Settlement Officer's Assessment as on Khalsa	Cesses at 3 2 0 per cent.	Tenure and conditions of the grant
								Rs.	Rs.	Rs.	Rs	
		Khalsa										
IIB.	Raja Balwant Singh, Jagirdar, and Sawant Singh, Gulab Singh, Bakhtawar Singh, Aman Singh,	630			3,553	2 846	7 029	3,515	3,794	3,964	124	The grant of this estate is in perpetuity The share now held by Raja Balwant Singh, herein termed "the Jagirdar is not transferable by sale, and *shall not be sub divided* by any law of inheritance, but shall descend in block to the nearest by kindred or by adoption In the event of disputes, or of the extinction of all title to succeed Government shall determine the succession by executive order The Jagirdar shall have power to mortgage for his own lifetime only except by consent of Government The younger lineal descendants of the Jagirdar are entitled to receive maintenance under the same rules as the younger sons of an Istimrardar The shares of Sawant Singh, Gulab Singh, Bakhtawar Singh, GumanSingh and Aman Singh are not transferable by sale, and shall descend in block to the nearest by kindred or adoption In case of failure of heirs, their shares shall lapse to the Jagirdar or his successors They and their successors may mortgage to a stranger but only for the term of the mortgagor's life to each other or to the Jagirdar, mortgages are allowed without limit J DIGGES LA TOUCHE, *Settlement Officer Ajmere*
		Milk										
		191			637	242	1,070					
		Bhum		Nil								
		130			431	45	606					
	Total	951			4,621	3,133	8,705					

No. 14.

JAGIR ESTATES, AJMERE.

(Separate Proposition Statement)

DUDIANA.

Class	Name of Jagirdars	Area and nature of land.						Average rent roll for 10 years		Settlement Officer's Assessment as on Khalsa.	Cesses at 3-2-0 per cent.	Tenure and conditions of the grant.
		Chahee.	Talabee	Abee	Baranee.	Uncultivated.	Total	Excluding cesses	Including cesses.			
								Rs	Rs	Rs.	Rs	
IIA	Meer Inayat Ullah Shah	Khalsa.										
		583	.	..	539	1,134	2,256	1,995	2,256	2,100	66	The grant of this estate is in perpetuity The estate is not transferable by sale, and shall not be subdivided by any law of inheritance; but shall descend in block according to the customary law of succession applicable to the nearest by kindred or adoption In the event of dispute, or of the extinction of all title to succeed, Government shall determine the succession by executive order The Jagirdar shall have power to mortgage only for his own lifetime, except by consent of Government The younger sons of the Jagirdar are entitled to receive maintenance under the same rules as the younger sons of an Istimrardar J DIGGES LA TOUCHE, *Settlement Officer, Ajmere*
		Mulk.										
		7	...	..	3	16	26					
		Bhum.										
		44		.		1	45					
	Total	634		.	542	1,151	2,327					

No. 15.

JAGIR ESTATES, AJMERE

(Separate Proposition Statement)

DILWAREE.

Class	Name of Jagirdars	Area and nature of land						Average rent roll for 10 years		Settlement Officer's Assessment as on Khalsa	Cesses at 3 2 0 per cent	Tenure and conditions of the grant
		Chabee	Talabee	Abee	Baranee	Uncultivated	Total	Excluding cesses	Including cesses			
								Rs	Rs	Rs	Rs	
IIB	Meer Inayat Ullah Shah, Jagirdar, and Meer Nizam Ali, Surfaraz Ali,	Khalsa 160	29	57	220	1,021	1,547	857	1,042	805	25	s in per- held by herein t trans be sub- ri'ance, to the ion In the ex- d, Gov succes e Jagir gage for ept by younger Jagirdar tenance younger Ali and sferable in block r adop irs their irdar or l their tranger mortga gor's life, to each other or to the Jagirdar, mortgages are allowed without limit
		Mulk 22			10		32					
		Bhum. 18			38	5	61					
	Total	200	29	57	268	1,026	1,640					J DIGGES LA TOUCHE, *Settlement Officer Ajmere*

No. 16.

JHARWASA-BHATTIANI

JAGIR ESTATES, AJMERE

(Separate Proposition Statement)

Class	Name of Jagirdars	Area and nature of land						Average rent roll for 10 years		Settlement Officer's Assessment as on Khalsa	Cesses at 3-2-0 per cent.	Tenure and conditions of the grant.
		Chahee.	Talabee	Abee.	Baranee.	Uncultivated	Total.	Excluding cesses	Including cesses			
		Khalsa						Rs	Rs	Rs.	Rs	
IIB	Meer Nazim Ali, Jagirdar, & Surfaraz Ali Alam Ali, Mardan Ali Sardar Ali, Mulkh Begam, are four sharer who receive a fixed annuity from the assets of the Jagir	371	408	477	1,024	8,540	10,820	4,776	5,515	3,545	110	The grant of this estate is in perpetuity. *The share now held by Meer Nizam Ali*, herein termed 'the Jagirdar' is not transferable by sale, and shall not be subdivided by any law of inheritance, but shall descend in block to the nearest by kindred or adoption. In the event of disputes, or of the extinction of all title to succeed, Government shall determine the succession by executive order. The Jagirdar shall have power to mortgage for his own lifetime only, except by consent of Government. The younger lineal descendants of the Jagirdar are entitled *to receive maintenance under the* same rules as the younger son of an Istimrardar. The share of Sarfaraz Ali is not transferable by sale, and shall descend in block to the nearest by kindred or adoption. In case of failure of heirs, his share shall lapse to the Jagirdar or his successors. He and his successors may mortgage to a stranger, but only for the term of the mortgagor's life; to the Jagirdar mortgages are allowed without limit. The annuities shall follow the rule of *succession customary in the family of* the annuitants, and in case of failure of heirs shall lapse to the Jagirdar. They may not be sold, nor mortgaged beyond the term of the mortgagor's life except to the Jagirdar.
		Mulk										
		36	23	29	60	68	216					
		Bhum										
		43	35	27	30	112	247					
	Total	450	466	533	1,114	8 720	1,1283					

No 17

ARJANPURA

JAGIR ESTATES, AJMERE

(Separate Proposition Statement)

Class	Name of Jagirdars	Area and nature of land						Average rent roll for 10 years		Settlement Officer s Assessment as on Khalsa.	Cesses at 3 2 0 per cent	Tenure and conditions of the grant
		Chahee	Talabee	Abee	Baranee	Unculti vated	Total	Excluding ces es	Including cesses			
								Rs	Rs	Rs.	Rs	
IA	Gulab Singh Gor	Khalsa										of this estate is in per land now held by Gulab termed "the Jagirdar erable by sale and shall vided by any law of in ut shall descend in block t by kindred or adoption t of disputes or of the of all title to succeed, shall determine the suc ecutive order The Ja have power to mortgage lifetime only except by overnment The youi ger dants of the Jagirdar are ceive *maintenance under* les as the younger sons rdar sons who hold land as an f their maintenance are n the estate They can mortgage their lan is the Jagirdar who will ailure of heirs Succes and shall be regulated by he family of the persons
		127	33	111	573	900	1 744	572	632	901	28	
		Mulk										
		6		4	26	1	37					
		Bhum	Nil									
	Total	133	33	115	599	901	1,781					J DIGGES LATOUCHE, *Settlement Officer, Ajmere*

No 18.

JAGIR ESTATES, AJMERE.

(Separate Proposition Statement)

MANGLEAWAS

Class	Name of Jagirdars	Area and nature of land						Average rent roll for 10 years		Settlement Officer's Assessment as on Khalsa	Cesses at 3 2 0 per cent	Tenure and conditions of the grant
		Chahee	Talabee	Abee	Baranee	Unculti vated	Total	Excluding cesses	Including cesses			
								Rs	Rs	Rs	Rs	
IIA	Saligram Jotshi	Khalsa										The grant of this estate is in perpetuity The estate is not transferable by sale, and shall not be sub divided by any law of inheritance, but shall descend in block according to the customary law of succession applicable to the nearest by kindred or adoption In the event of dispute, or of the extinction of all title to succeed, Government shall determine the succession by executive order The Jagirdar shall have power to mortgage only for his own lifetime, except by consent of Government The younger sons of the Jagirdar are entitled to receive maintenance under the same rules as the younger sons of an Istimrardar
		301	8	8	648	1,467	2,432	2 024	2,209	1,736	54	
		Milik										
		12					12					
		Bhum										
		17			15	21	53					
	Total	330	8	8	663	1,488	2,497					J DIGGES LATOUCHE, *Settlement Officer, Ajmere*

No. 19.

JAGIR ESTATES, AJMERE.

(Separate Proposition Statement)

CHAWANDA

Class.	Name of Jagirdars.	Area and nature of land: Chahee	Talabee	Abee	Baranee	Uncultivated	Total	Average rent roll for 10 years: Excluding cesses	Including cesses	Settlement Officer's Assessment as on Khalsa	Cesses at 3 2 0 per cent	Tenure and conditions of the grant.
								Rs.	Rs	Rs	Rs	
IA	Gokulpuri Gosain	Khalsa										
		186	36	123	275	708	1,328	1,336	1,555	1,310	41	The grant of this estate is in perpetuity. The estate is not transferable by sale, and shall not be sub divided by any law of inheritance; but shall descend in block according to the customary law of succession applicable to this Gosain In the event of dispute Government shall determine the succession by executive order The Jagirdar shall have power to mortgage only for his own lifetime, except by consent of Government
		Muhk.										
		...	..	4	..	9	13					
		Bhum.										
		42	2	.	5	3	52					
	Total .	228	38	127	280	720	1,393					J. DIGGES LATOUCHE, *Settlement Officer, Ajmere*

No. 20.

JAGIR ESTATES, AJMERE.

(Separate Proposition Statement)

HALF OF AKHRI.

Class.	Name of Jagirdars.	Area and nature of land.						Average rent roll per 10 years		Settlement Officer's Assessment as on Khalsa.	Cesses at 3-2 0 per cent.	Tenure and conditions of the grant
		Chahi.	Talabi.	Abi.	Barani.	Unculti vated	Total	Excluding cesses	Including cesses			
								Rs.	Rs	Rs	Rs	
IIC	Shurf ud din, Amrao Bibi, Sarfaraz Ali Asad Ali, Nurul Hasan, Alam Ali Ashraf Ali, Nizam Ali Vakil, Karim Ata, Sadr ud din Wazeer Ali, Ihsan Ali, Kasim Ali Khadim Hussein Imam Ali, Haidar Ali, Meer Inayet ul lah Shah.	Khalsa.										The grant of half the net revenue of Akhri is in perpetuity. None of the sharers are entitled to the desig nation of Jagirdar Each shall enjoy the share of the revenue of which he is or may become lawfully posses-sed Succession shall be regulated by the rules customary in the family of each sharer, and in case of failure of heirs, the share shall lapse to the general body of sharers Any sharer may mortgage his share for the term of his own life to a stran ger, but may not sell or make gifts to a stanger Among the sharers *themselves, sales, mortgages,* and gifts are unrestricted
		50	30	64	235	171	550	765	765	429		
		Muaff	Nil									
		Bhum										
		5		...	25	..	30					
	Total	55	30	64	260	171	580					

The area shown in this statement is half the area of the village, but there is no land which is really Jagir The Jagirdars receive from the Treasury half the net Government revenue, a sum equivalent according to the present assessment to Rs. 429, and they have no concern with the management of the village.

J DIGGES LATOUCHE,
Settlement Officer, Ajmere

No. 21.

BANEORI.

JAGIR ESTATES, AJMERE.

(Separate Proposition Statement.)

Class.	Name of Jagirdars	Area and nature of land						Average rent roll for 10 years		Settlement Officer's Assessment as on Khalsa	Cesses at 3 2 0 per cent	Tenure and conditions of the grant
		Chahee.	Talabee.	Abee.	Baranee	Uncultivated	Total	Excluding cesses.	Including cesses.			
								Rs.	Rs	Rs.	Rs	
IIC	Ameer Ali, son of Khowaj Bukhsh Ameer Ali, Sharf ud din, son of Meer Hafiz Ali, Rahim unniss, Irshad Ali, Ghulam Ahmed, Abu Bakr, Zainat Bibi, Mewa Bibi, Hussein Bukhsh.	Khalsa										The grant of this estate is in ne of the sharers the designation of shall hold the share may become lawfully ession shall be regu. es customary in the iarer, and in case of the share shall lapse idy of sharers ler may mortgage his rm of his life to a ay not sell or make nger Among the es, sales, mortgages, estricted by the six Mahajuns t to purchase should l the revenue applied age of the general
		79	52	10	577	2,202	2,920	927	1,120	704	22	
		Milik										
			..	.	17	14	31					
		Bhum.										
	Six Mahajans	15	6	13	79	32	145					
	TOTAL ...	94	58	23	673	2,248	3,096					

J. DIGGES LATOUCHE,
Settlement Officer, Ajmere.

No 22.

JAGIR ESTATES, AJMERE.

(Separate Proposition Statement)

GANAHERA.

Class	Name of Jagirdars	Area and nature of land						Average rent roll for 10 years		Settlement Officer's Assessment as on Khalsa	Cesses at 3-2-0 per cent	Tenure and conditions of the grant.
		Chahee	Talabee	Abee	Baranee	Uncultivated	Total	Excluding cesses	Including cesses			
										Rs	Rs	
IIC	Munir Beg, Saadat Bibi, Kazi Munir ud din Ghiyas ud din Shafee Hussein Asgar Ali Ghuffar Ali Khidmut Ali, Abdul Halim Munawar Bibi Hussein Ali Najaf Hussein, Wazeer Begum Mizaj Ali Asad Ali Surfaraz Ali Alim un nisa, Jaafur Ali, Chuni Begum, Ashraf Ali Ramzunisa, Alam Ali Nur ul Hasan Shurf un nisa Mohammed Hussein Ahmed Hussein Najeebunnisa Salr ud din Ghulam Hussein	Khalsa										The grant of this estate is in perpetuity None of the sharers are entitled to the designation of Jagirdar Each shall hold the share of which he is or may become lawfully possessed Succession shall be regulated by the rules customary in the family of each sharer, and in case of failure of heirs the share shall lapse to the general body of sharers. Any shareholder may mortgage his share for the term of his own life to a stranger, but may not sell or make gifts to a stranger Among the sharers themselves, sales mortgages, and gifts are unrestricted
		132	55	270	172	1 620	2,199	Not procurable		1,514	48	
		Milk										
		19		3	3		5					
		Bhum										
		2	8	13	[illegible]	25	71					
	Total	53	13	236	198	1 645	2 295					

J DIGGFS LATOUCHF,
Settlement Officer, Ajmere

No. 23.

JAGIR ESTATES, AJMERE.

(Separate Proposition Statement)

MORAJHARI

	Name of Jagirdars	Area and nature of land: Chahee	Talabee.	Abee	Barranee	[illegible]	Total	Average rent roll for 10 years: Excluding cesses	Including cesses	Settlement Officer's Assessment as on Khalsa	Cesses at 3 2 0 per cent	Tenure and conditions of the grant
IIC	Meer Hafiz Ali, Wazeer Ali, Ihsan Ali, Musharif Bibi, Mahommed Hussein, Ameer Ali, Faiz Mahommed.	Khalsa.						Rs	Rs	Rs.	Rs	
		283	42	17	667	1,372	2,381	2,188	2,337	1,534	48	The grant of this estate is in perpetuity None of the sharers are entitled to the designation of Jagirdar Each shall hold the share of which he is, or may become lawfully possessed Succession shall be regulated by the rules customary in the family of each sharer, and in case of failure of heirs, the share shall lapse to the general body of sharers Any shareholder may mortgage his share for the term of his own life to a stranger, but may not sell or make gifts to a stranger Among the sharers themselves, sales, mortgages, and gifts are unrestricted.
		Mulk.										
		13	2	...	74	2	91					
		Bhum										
		54	2	.	38	61	155					
	Total	350	46	17	779	1,435	2,627					J. DIGGES LATOUCHE, *Settlement Officer, Ajmere*

No. 24.

JAGIR ESTATES, AJMERE.

(Separate Proposition Statement)

HALF OF NANDLA

Class.	Name of Jagirdars	Area and nature of land						Average rent roll for 10 years		Settlement Officer's assessment as on Khalsa	Cesses at 3-2-0 per cent	Tenure and conditions of the grant
		Chahee	Talabee	Abee	Baranee.	Uncultivated	Total	Excluding cesses	Including cesses			
								Rs	Rs	Rs.	Rs	
IIC	Yeusuf Ali, Hafiz Ali Mardan Ali, and 62 Khadims of Dargah of Khwaja Mueinud din Chisti	Khalsa. 289 Milk and Bhum Nil		55	478	540	1,362	1,628	1,841	1,317	42	The grant of this estate is in perpetuity None of the sharers are entitled to the designation of Jagirdar Each shall hold the share of *which he is or may become lawfully* possessed. Succession shall be regulated by the rules customary in the family of each sharer, and in case of failure of heirs, the share shall lapse to the general body of sharers Any shareholder may mortgage his share for the term of his own life to a stranger, but may not sell or make gifts to a stranger Among the sharers themselves, sales, mortgages, and gifts are unrestricted J DIGGES LATOUCHE, *Settlement Officer, Ajmere*

JAGIR ESTATES, AJMERE

(Separate Proposition Statement)

No. 25.

HATHIKHERA

Class	Name of Jagirdars	Area and nature of land						Average rent roll for 10 years		Settlement Officer's Assessment as on Khalsa	Cesses at 3 2 0 per cent	Tenure and conditions of the grant
		Chahee	Talabee	Abee	Baranee.	Uncultivated	Total	Excluding cesses	Including cesses			
		Khalsa						Rs	Rs	Rs	Rs	
IIC	Nizam Ali Vakil, Karim Ata, Ihsan Ali, Sadr ud din, Kasim Ali, Jowad Ali, Imam Ali, Haidar Ali Mee, Inayut ullah Shah.	99		3	305	2 021	2 428	719	982	554	17	The grant of this estate is in perpetuity None of the sharers are entitled to the designation of Jagirdar Each shall hold the share of which he is or may become lawfully possessed Succession shall be regulated by the rules customary in the family of each sharer, and in case of failure of heirs the share shall lapse to the general body of sharers Any shareholder may mortgage his share for the term of his natural life to a stranger, but may not sell or make gifts to a stranger Among the sharers themselves, sales, mortgages, and gifts are unrestricted
		Milik										
		13			17	11	41					
		Bhum Nil										
	Total	112		3	322	2,032	2 469					J DIGGES LATOUCHE, *Settlement Officer, Ajmere*

No 26.

JAGIR ESTATES, AJMERE

(Separate Proposition Statement)

BEER

Class	Name of Jagirdars	Area and nature of land						Average rent roll for 10 years		Settlement Officer's Assessment as on Khalsa.	Cesses at 3 2 0 per cent	Tenure and conditions of the grant.
		Chahee	Talabee	Abee	Baranee	Unculti vated	Total.	Excluding cesses	Including cesses.			
								Rs	Rs	Rs	Rs	
		Khalsa.										
III	Khadims of the Durgah of Khwaja Mueyn ul din Chisti	583	3	118	1,574	3 856	6,134	Not procurable		3,093	97	The grant of this estate is in perpetuity, and lasts as long as there are Khadims of the Durgah to enjoy it Each Khadim shall retain the rights of which he is or may become lawfully possessed None are entitled to the designation of Jagirdar Succession shall be regulated by the rules customary in the family of each sharer, and in case of failure of heirs, the share shall lapse to the general body of sharers Any sharer may mortgage his share for the term of his natural life to a stranger, but may not sell or make gifts to a stranger Among the Khadims themselves, sales, mortgages, and gifts are unrestricted. *Land which has already been alienated* by sale or by a mortgage, extending beyond the lifetime of the mortgagor, shall be assessed, and the revenue made over to some responsible representative of the Khadims for application for the general benefit of the Khadims. J DIGGES LATOUCHE, *Settlement Officer, Ajmere*
		Milk										
					1	2	3					
		Bhum										
		49		1	90	13	153					
	Total	632	3	119	1,665	3,871	6,290					

No 27

GHEGAL

JAGIR ESTATES, AJMERE

(Separate Proposition Statement)

Class	Name of Jagirdars.	Area and nature of land						Average rent roll for 10 years		Settlement Officer's Assessment as on Khalsa	Cesses at 3 2 0 per cent	Tenure and conditions of the grant
		Chahee	Talabee	Abee.	Baranee	Uncultivated	Total.	Excluding cesses	Including cesses			
								Rs	Rs	Rs	Rs	.e is in per as there are to enjoy it i the rights me lawfully tled to the Succession rules cus ach sharer, f heirs the eneral body ge his share al life to a ell or make ng the Kha mortgages, y been alie rtgage ex me of the ed and the ne responsi hadims for al benefit of
III	Khadims of the Durgah of Khwaja Mueiyn ud din Chisti	Khalsa 180			937	857	1 974	1 786	2 056	1 412	44	
		Milik. 56			80	98	234					
		Bhum 8			54	11	73					
	Total	244			1 071	966	2 281					J DIGGES LATOUCHE *Settlement Officer Ajmere*

No 28

JAGIR ESTATES, AJMERE.

(Separate Proposition Statement)

BAEENJA

Class	Name of Jagirdars	Area and nature of land: Chahee	Talabee	Abee	Baranee.	Unculti vated	Total	Average rent roll for 10 years: Excluding cesses	Including cesses	Settlement Officer's Assessment as on Khalsa.	Cesses at 3 2 0 per cent	Tenure and conditions of the grant
								Rs	Rs	Rs	Rs	
III	Khadims of the Durgah of Khwaja Mueiy ud din Chisti	Khalsa										The grant of this estate is in perpetuity, and lasts as long as there are Khadims of the Durgah to enjoy it. Each Khadim shall retain the rights of which he is, or may become lawfully possessed. None are entitled to the designation of Jagirdar. Succession shall be regulated by the rules customary in the family of each sharer, and in case of failure of heirs the share shall lapse to the general body of sharers. Any sharer may mortgage his share for the term of his natural life to a stranger, but may not sell or make gifts to a stranger. Among the Khadims themselves, sales mortgages, and gifts are unrestricted. Land which has already been alienated by sale or by a mortgage, extending beyond the lifetime of the mortgagor, shall be assessed, and the revenue made over to some responsible representative of the Khadims for application for the general benefit of the Khadims. J DIGGES LATOUCHE, *Settlement Officer, Ajmere.*
		73	47	152	1,037	1, 80	3 289	420	605	1,000	31	
		Milk Nil										
		Bhum										
		43	1	39	50	7	110					
	Total	116	48	191	1,087	1,987	3,429					

No. 29

JAGIR ESTATES, AJMERE

(Separate Proposition Statement)

PUSHKAR

Class.	Name of Jagirdars	Area and nature of land						Average rent roll for 10 years		Settlement Officer's assessment as on Khalsa	Cesses at 3 2 0 per cent	Tenure and conditions of the grant.
		Chahee	Talabee	Abee	Baranee	Unculti vated	Total	Excluding cesses	Including cesses.			
										Rs	Rs	
III	Brahmans of Bari Basti in Pushkar	Khalsa.										
		28	1	327	476	4,490	5,322	Not procurable		978	31	The grant of this estate is in perpetuity, and lasts as long as there are Brahmans to enjoy it Each Brahman shall retain the rights of which he is, or may become lawfully possessed None are entitled to the designation of Jagirdar Succession shall be regulated by the rules customary in the family of each sharer, and in case of failure of heirs, the share shall lapse to the general body of sharers. Any sharer may mortgage his share for the term of his natural life to a stranger, but may not sell or make gifts to a stranger Among the Brahmans themselves, sales, mortgages, and gifts are unrestricted Land which has already been alienated by sale or by a mortgage extending beyond the lifetime of the mortgagor, shall be assessed, and the revenue made over to some responsible representative of the Brahmans for application for the general benefit of the Brahmans
		Mulik										
			2	4			6					
		Bhum		*Nil*								
	Total	28	3	331	476	4 490	5,328					J DIGGES LATOUCHE, *Settlement Officer, Ajmere*

No. 30.

JAGIR ESTATES, AJMERE.

(Separate Proposition Statement)

NAIDLA.

Class	Name of Jagirdars	Area and nature of land						Average rent roll for 10 years		Settlement Officer's assessment as on Khalsa	Cesses at 3-2-0 per cent.	Tenure and conditions of the grant
		Chahee.	Talabee	Abee	Baranee.	Unculti vated	Total	Excluding cesses	Including cesses			
								Rs.	Rs	Rs	Rs	
III	Brahmans of Chhoti Basti in Pushkar	Khalsa										
			8	129	124	816	1,077	587	591	497	16	The grant of this estate is in perpetuity, and lasts as long as there are Brahmans to enjoy it. Each Brahman shall retain the rights of which he is or may become lawfully possessed. None are entitled to the designation of Jagirdar. Succession shall be regulated by the rules customary in the family of each sharer, and in case of failure of heirs, the share shall lapse to the general body of sharers. Any sharer may mortgage his share for the term of his natural life to a stranger, but may not sell or make gifts to a stranger. Among the Brahmans themselves *sales, mortgages,* and *gifts are unrestricted.* Land which has already been alienated by sale or by a mortgage, extending beyond the lifetime of the mortgagor shall be assessed, and the revenue made over to some responsible representative of the Brahmans for application for the general benefit of the Brahmans.
		Milik										
				6	7		13					
		Bhum										
				4	1		5					
	Total		8	139	132	816	1,095					J. DIGGES LATOUCHE, *Settlement Officer, Ajmere.*

No 421, *dated Abu*, 29*th June* 1875

From—THE OFFICIATING CHIEF COMMISSIONER OF AJMERE

To—THE COMMISSIONER OF AJMERE

SIR,

With reference to your letter No 574, dated 2nd March 1875, regarding the *Jagir* Tenures of Ajmere, I have the honor to forward for report copy of a letter No 126R, dated 11th instant, from the Under Secretary to the Government of India, in the Foreign Department, on the subject

2 The best way of answering the question as to the meaning of the words cited will be to consult the *Jagirdars* themselves and to frame in precise language the rule of succession desired by them and recommended by you for adoption. It should also be mentioned whether any custom or law of succession exists in Rajputana as a precedent on which this rule would be based.

3 With regard to para 2, I shall be obliged by your suggesting some term already used in the nomenclature of land tenures in India which may be substituted for 'Corporation,' and by your mentioning the Vernacular equivalent

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No 126R, *dated* 11*th June* 1879

From—THE UNDER SECRETARY TO THE GOVERNMENT OF INDIA IN THE FOREIGN DEPARTMENT

To—THE OFFICIATING CHIEF COMMISSIONER OF AJMERE.

SIR,

With reference to your letter No 227, dated 19th April 1875, regarding the *Jagir* Tenures of Ajmere I am directed by the Viceroy and Governor-General in Council to request that you will explain precisely what is meant by the expression "descend to the nearest by kindred or by adoption' used in Class II A and II B of the separate proposition statements

2 His Excellency in Council observes that the term "Corporation" as applied to the 3rd Class of *Jagirs* will be likely to mislead, and I am to enquire whether a more appropriate designation cannot be suggested for this Class of *Jagirdars*

No 2236, dated Ajmere, the 12th July 1875

From—THE COMMISSIONER, AJMERE

To—THE CHIEF COMMISSIONER, AJMERE MERWARA

SIR,

In reply to your No 421, dated 11th June 1875, forwarding copy of a letter No 126R dated 11th June 1875, from the Under Secretary to the Government of India in the Foreign Department, regarding *Jagir* Tenures of Ajmere, and calling upon me to explain the meaning of the expression descend to the nearest by kindred or by adoption' used in Classes II A and II B of the separate proposition statements, and of the word "Corporation" as applied to the 3rd Class of *Jagirs*, I have the honor to forward copy of Officiating Deputy Commissioner's No 855, dated 7th instant, and to inform you that I agree with the Officiating Deputy Commissioner that the object was to make the land descend in block to one person, so as to prevent in future any minute sub division

2 I would also recommend the Native term *Jamdat* being added in brackets, or substituted for the word "Corporation if there is any chance of its being misunderstood

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No 855, dated Ajmere, the 7th July 1875

From—THE OFFICIATING DEPUTY COMMISSIONER, AJMERE

To—THE COMMISSIONER, AJMERE MERWARA

SIR,

With reference to your No 2112, dated 1st July, on the subject of the *Jagir* proposition statements (Classes II A and II B), I have the honor to report that the *Jagirdars* were consulted on the subject when the Committee on *Jagir* Estates was held What they wish for is, that the estate shall descend in block to one person, and shall not be liable to be subdivided among heirs

The mode of devolution which they desire is that which exists in the *Istimrar* Estates of Ajmere and throughout Rajputana, *viz*, that the eldest son succeeds to the exclusion of his younger brothers, who are only entitled to maintenance. It is in short the system of primogeniture which exists in all fiefs.

2 I was myself hardly satisfied with the name "Corporation" as applied to the *Khadims* and *Brahmins* The word "aggregations" more nearly expresses the meaning, and does not suggest the idea of a Head which the word Corporation does. Communities might be employed, but its connotation also is inaccurate The vernacular equivalent would be *Jamáat*

No 133, *dated Camp Ajmere*, 10*th March* 1876

From—THE OFFICIATING CHIEF COMMISSIONER, AJMERE-MERWARA

To—THE COMMISSIONER, AJMERE-MERWARA

SIR,

With reference to previous correspondence ending with your letter No 2236, dated 12th July 1875, on the subject of the enquiry which has been made into the *Jagir* Tenures of Ajmere, I am directed to forward three printed copies of the revised proposition statements as sanctioned and confirmed by His Excellency the Viceroy and Governor General in Council



Ajmere Jagir proposition statements 1 to 30 as sanctioned by the Government of India, *vide* Chief Commissioner's letter No. 133, dated, 10th March 1876.

No. 1

DARGAH KHWAJA SAHIB

Name of Jagirdars or institution endowed	Area and nature of land.						Average rent roll for 10 years.		Settlement Officer's Assessment as on Khalsa.	Cesses at 3 [illegible] per cent.	Tenure and conditions of the grant
	Chabee.	Talabee	Abee	Baranee.	Unculti vated.	Total.	Excluding cesses	Including cesses			
							Rs.	Rs.	Rs.	Rs.	
Dargah of Khwaja Muien ud din Chisti, commonly called Khwaja Sahib	Khalsa										
	2,345	220	124	7,343	24,789	34,821	21,116	25,252	16,924	530	The grant of this estate lasts as long as the Dargah exists, and the objects of the endowment are fulfilled, no part of the estate is transferable by sale or mortgage It is the duty of the Manager to provide that the assets are expended for the purposes of the Institution The grant is made to the Institution itself, and the Manager and the *Committee are trustees* for carrying out the purpose of the Institution
	Mulk										
	1,129	33	35	535	1,065	2,797					
	Bhum										
	377	23	6	90[illegible]	463	1,771					
Total	3,851	276	165	8,780	26 317	39,38[illegible]					

The Estate contains the following 14 villages exclusive of Dantra, Hokran and Kishnpura —

1	Amba Masseena	6	Chandsain	11	Khvria (Khwaja Sahib)
2	Budhwara	7	Khwajpura	12	Kayur
3	Parbutpura	8	Khwajpura Bhirwae	13	Korari
4	Pecholean	9	Kadampura	14.	Nabab
5	Tillora	10	Kanea.		

No. 2

HOKRAN KISHNPURA.

Name of Jagirdars, or institution endowed.	Area and nature of land						Average rent roll for 10 years.		Settlement Officer's Assessment as on Khalsa	Cesses at 3 2 0 per cent	Tenure and conditions of the grant.
	Chahee.	Talabee.	Abee	Baranee	Unculti vated	Total	Excluding cesses	Including cesses			
							Rs	Rs	Rs.	Rs	
Dewan for the time being, of Dargah Khwaja Muien ud din Chisti	Khalsa										
	278	6	291	531	5,013	6,119	2,908	3,634	2,191	69	The two villages Hokran and Kishnpura form one estate, which held by the Dewan of the *Dargah*, in lieu of the perquisites attached to his office The estate is indivisible, and no part of it is transferable by sale or mortgage The Dewan for the time being is entitled to enjoy the revenue, and as the villages form part of the endowment of the Dargah, the grant will *last as long as the Dargah exists*, and the objects of the endowment are fulfilled
	Mulk										
	12	14	8	4	2	40					
	Bhum										
	87	.	..	46	92	225					
Total	377	20	299	581	5,107	6,384					

No. 3

DANTRA.

Name of Jagirdar, or institution endowed.	Area and nature of land: Chahee.	Talabee.	Abee.	Baranee	Uncultivated	Total.	Average rent roll for 10 years: Excluding cesses	Including cesses.	Settlement Officer's Assessment as on Khalsa.	Cesses at 3-2-0 per cent	Tenure and conditions of the grant.
							Rs	Rs	Rs	Rs	
Mutwalli, for the time being of Dargah Khwaja Muien ud din Chisti	Khalsa										
	513			726	1,733	2,972	3,289	3,544	2,287	71	This estate is held by the Mutwalli of the Dargah, in lieu of the perquisites attached to his office It is indivisible and no part of it is transferable by sale or mortgage. The Mutwalli for the time being, is entitled to enjoy the revenue, and as the village forms part of the endowment of the Dargah, the grant will last as long as the Dargah exists and the objects of the endowment are fulfilled.
	Mulik										
	55	.		10	2	67					
	Bhum										
	214			214	23	451					
Total	782	.	.	950	1,758	3,490					

No. 4

DARGAH MEERAN SAHIB

Name of Jagirdars, or institution endowed.	Area and nature of land.						Average rent roll for 10 years		Settlement Officer s Assessment as on Khalsa	Cesses at 3 2 0 per cent	Tenure and conditions of the grant
	Chahee	Talabee	Abee.	Baranee.	Uncultivated	Total	Eexcluding cesses	Including cesses.			
							Rs	Rs	Rs.	Rs	
Dargah of Sayed Meeran Husein, *commonly called* Meeran Sahib.	Khalsa.										
	538	66	72	1,218	3,122	5,016	3,862	4,367	3,049	96	The grant of this estate is lasts as long as the Dargah exists, and the objects of the endowment are ful filled No part of the estate is transferable by sale or mortgage It is the duty of the Manager to provide that the assets are expend e l for the purposes of the Insti tution The Manager has no power to *alienate the revenue* paying land of the estate on re venue free-tenure The grant is made to the Institution itself, and the Manager is a trustee for carrying out the purposes of the Institu tion.
	Milk.										
	586	9	4	482	126	1,207					
	Bhum										
	117	9	6	181	76	389					
Total .	1,241	84	82	1,881	3,324	6,612					

The Estate contains three villages Dorai, Somulpur and Khyria (Meeran Sahib)

No. 5.

MAKHUPURA

Name of Jagirdars or institution endowed	Area and nature of land						Average rent roll for 10 years		Settlement Officer's Assessment as on Khalsa	Cesses at 3 2 0 per cent	Tenure and conditions of the grant
	Chahee	Talabee.	Abee.	Baranee	Unculti vated	Total.	Excluding cesses	Including cesses			
							Rs.	Rs	Rs.	Rs	
Dargah of Pir Dastgir, commonly called Chilla Bara Pir	Khalsa										
	197			400	1,820	2,417	1,[illegible]08	1,553	1,110	35	The grant of this estate lasts as long as the shrine exists, and the objects of the endowment are fulfilled No part of the estate is transferable by sale or mortgage It is the duty of the Manager to provide that the assets are expended for the purposes of the institution The Manager has no power to alienate the revenue paying land of the estate on revenue free tenure The grant is made to the shrine itself and the Manager is trustee for carrying out the purposes of the institution.
	Milk										
	8			22		30					
	Bhum										
	16			1	2	19					
Total	221	..		423	1,8[illegible]2	2 466					

No. 6

BHAWANI KHERA

Name of Jagirdars or institution endowed	Area and nature of land						Average rent roll for 10 years		Settlement Officer's Assessment as on Khalsa	Cesses at 3 20 per cent	Tenure and conditions of the grant
	Chahee	Talabee	Abee	Barani	Uncultivated	Total	Excluding cesses	Including cesses			
							Rs	Rs	Rs	Rs	
Temple of Nathdwara in Meywar	Khalsa										
	325		84	609	778	1 796	1 372	1,426	2 035	64	The grant of this estate lasts as long as the temple of Nathdwara exists, and the objects of the endowment are fulfilled No part of the estate is transferable by sale or mortgage It is the duty of the Manager to provide that the assets are expended for the purposes of the institution The Manager has no power to alienate the revenue paying land of the estate on revenue free tenure The grant is made to the temple itself and the Manager is a trustee for carrying out the purposes of the institution
	Mahlk										
	19		..	17	1	37					
	Bhum Nil										
Total	344		84	626	779	1 833					

No. 7.

BHAGWANPURA LALIKHERA

Name of Jagirdars or institution endowed	Area and nature of land						Average rent roll for 10 years		Settlement Officer's Assessment as on Khalsa	Cesses at 3 2 0 per cent	Tenure and conditions of the grant
	Chahee	Talabee	Abee	Baranee	Uncultivated	Total	Excluding cesses	Including cesses			
							Rs	Rs.	Rs	Rs	
Chatri Surji Rao	Khalsa										
	269		93	767	2,573	3,702	2,742	2,964	1,811	57	The grant of this estate lasts as long as the tomb exists, and the objects of the endowment are fulfille l No part *of the estato is transferable* by sale or mortgage It is the duty of the Manager to provide that the assets are expended on the necessary expenses of the tomb, and in alms giving The Manager has no power to alienate the revenue paying land of the ; estate on revenue free-tenure The grant is made to the tomb itself, and the Manager is a trustee for carrying out the purposes of the institution.
	Mulk										
	56		9	62	76	203					
	Bhum										
	116		6	139	298	559					
TOTAL	441		108	968	2,947	4,464					

No 8.

NILA SEORI

Name of Jagirdars or institution endowed	Area and nature of land						Average rent roll for 10 years		Settlement Officer's Assessment as on Khalsa	Cesses at 3 2 0 per cent.	Tenure and conditions of the grant
	Chahee	Talabee	Abee	Baranee	Uncultivated	Total	Excluding cesses	Including cesses			
									Rs	Rs	
Charitable trust of Dudhadhari	10		.	3	821	834	Not procurable		150	5	The grant is to the Dudhadhari for the time being No part of the estate is transferable by sale or mortgage The condition of the grant is, that the Dudhadhari protect so much of the road through the Pushkar Pass as is adjacent to his Jagir, and that he pay compensation for any losses which may occur in that portion of the road from the bottom of the Pass to the open country beyond.
	Bhum and Malik Nil										

No. 9.

RAJGURH.

Name of Jagirdars or institution endowed	Area and nature of land						Average rent roll for 10 years		Settlement Officer's Assessment as on Khalsa	Cesses at 3-2-0 per cent.	Tenure and conditions of the grant
	Chahee	Talabee	Abee	Baranee	Uncultivated	Total	Excluding cesses	Including cesses			
							Rs	Rs	Rs	Rs	
Raja Devi Singh, Gor of Rajgurh	Khalsa										The estate is not transferable by sale, and shall not be subdivided by any law of inheritance, but shall descend in block, according to the customary law of succession applicable, to the nearest male heir by blood or adoption In the event of dispute or of the extinction of all title to succeed, Government shall determine the succession by executive order The Jagirdar shall have power only to mortgage for his own lifetime, except by consent of Government The younger sons of the Jagirdar are entitled to receive maintenance under the same rules as the younger sons of an Istimrardar
	451	90	414	899	6,912	8,766		3,673	3,910	92	
	Milhk										
	58	..	37	136	30	261					
	Bhum		Nil								
Total .	509	90	451	1,035	6,942	9,027					

No. 10

KOTHAJ

Name of Jagirdars or institution endowed	Area and nature of land						Average rent roll for 10 years		Settlement Officer's Assessment as on Khalsa	Cesses at 3-2-0 per cent	Tenure and conditions of the grant
	Chahee	Talabee	Abee	Baranee	Uncultivated	Total	Excluding cesses	Including cesses			
							Rs	Rs	Rs	Rs	
Raja Devi Singh, Gor of Rajgurh, Jagirdar, and Bheem Singh, Mohan Singh	Khalsa										The share now held by Raja Devi Singh *herein termed "the Jagirdar"* is not transferable by sale and shall not be sub divided by any law of inheritance, but shall descend in block, to the nearest male heir by blood or adoption In the event of disputes or of the extinction of all title to succeed, Government shall determine the succession by executive *order* The *Jagirdar shall have power to* mortgage for his own life time only, except by consent of Government The younger lineal descendants of the Jagirdar are entitled to receive maintenance under the same rules as the younger sons of an Istimrardar The shares of Bheem Singh and Mohan Singh *are not transferable* by sale In case of failure of heirs their shares shall lapse to the Jagirdar or his successors They and their successors may mortgage to a stranger, but only for the term of the mortgagor's life to each other or to the Jagirdar, mortgages are allowed without limit
	5		8	355	544	912	601	614	149	5	
	Mulik.										
				36	2	38					
	Bhum										
	6	-		46	5	57					
TOTAL	11		8	437	5.1	1,00					

No. 11.

DILWARA.

Name of Jagirdars or institution endowed.	Area and nature of land						Average rent rol for 10 years.		Settlement Officer's Assessment as on Khalsa	Cesses at 3 2 0 per cent.	Tenure and conditions of the grant.
	Chahee	Talabee	Abee.	Baranee.	Unculti vated.	Total	Excluding cesses	Including cesses.			
Ghiyas ud din Ali Khan, Dewan of Dargah and Imratunnisa Riza Hussain, Mardan Ali Inayat Ali Kudrut Ali, Shamsud-din, *Imam Ali* Khurshed Bibi, Rustam Ali, Najim ud din, Ghulam Ali	Khalsa.						Rs	Rs	Rs	Rs	The share now held by Ghiyas ud din Ali Khan, herein termed the Jagirdar, is not transferable by sale, and *shall not* be subdivided by any law of inheritance, but shall descend in block, according to the customary law of succession applicable, to the nearest male heir by blood or adoption In the event of disputes or of the extinction of all title to succeed, Government shall determine the succession by executive order The Jagirdar shall have power to mortgage for his own life time only except by consent of Government The younger lineal descendants of the Jagirdar are entitled to receive maintenance under the same rules as the younger sons of an Istimrardar The shares now held by the subordinate sharers are not transferable by sale In case of failure of heirs, their shares shall lapse to the Jagirdar or his successors They and their successors may mortgage to a stranger, but only for the term of the mortgagor's life among themselves and to the Jagirdar, mortgages are allowed without limit
	276	8	78	208	436	1,006	1,559	2,047	1,322	41	
	Milk.										
	7			3	1	11					
	Bhum,		Nil								
Total	283	8	78	211	437	1,017					

No. 12.

Name of Jagirdars or institution endowed	Area and nature of land						Average rent roll per 10 years		Settlement Officer's Assessment as on Khalsa	Cesses at 3 2 0 per cent.	Tenure and conditions of the grant
	Chahi	Talabi	Abi	Barani	Unculti vated	Total	Including cesses	Excluding cesses			
							Rs.	Rs	Rs	Rs	
Nawab Abdul Kurim Khan	Khalsa										The estate is not transferable by sale, and shall not be subdivided by any law of inheritance, but shall descend in block according to the customary law of succession applicable to the nearest male heir by blood or adoption In the event *of dispute, or of the extinction of* all title to succeed, Government shall determine the succession by executive order The Jagirdar shall have power to mortgage only for his own lifetime, except by consent of Government. The younger sons of the Jagirdar are entitled to receive *maintenance under the same rules* as the younger sons of an Istimrardar
	795	500	324	2,832	8,451	12 902	8,384	9,218	6,986	106	
	Mulk.										
	10	16	6	50	1	83					
	Bhum										
	78	3	5	211	625	952					
Total	883	519	335	3,126	9,077	13,937					

The estate consists of the following villages (1) Boraj Kazipura, (2) Sitawarean, (3) Sidaria (4) Kesarpura. In the area above given are included *half* the areas of the six hamlets into which the old village of Durathu has been now divided, and from each of which the Jagirdar receives half the net Government revenue, viz —Durathu, Motipura, Jagpura, Ratakhera, Dhola Danta, Chat

No 13.

GUNGWANA, OOTRA MAGRA

Name of Jagirdars or institution endowed	Area and nature of land						Average rent roll for 10 years		Settlement Officer's Assessment as on Khalsa	Cesses at 3 2-0 per cent.	Tenure and conditions of the grant.
	Chahee.	Talabee	Abee	Baranee.	Unculti vated	Total.	Excluding cesses	Including cesses			
							Rs.	Rs.	Rs	Rs	
Raja Balwant Singh, Jagirdar, and Sawant Singh, Gulab Singh, Bakh tawar Singh, Aman Singh	Khalsa										The share now held by Raja Balwant Singh, herein termed "the *Jagirdar*, *is not* transferable by sale, and shall not be sub divided by any law *of inheritance*, but shall descend in block according to the customary law of succession applicable, to the nearest male heir by blood or adoption. In the event of disputes or *of the* extinction of all title to succeed, Government shall determine the *succession* by executive order The Jagirdar shall have power to mortgage for his own lifetime only, except by consent of Government. The younger lineal descendants of the Jagirdar are entitled to receive maintenance under the same rules as the younger sons of an Istimrardar The *shares of* Sawant Singh, Gulab Singh, Bakhtawar Singh, Guman Singh and Aman Singh, are *not* transferable by sale In case of failure of heirs, their shares shall lapse *to the Jagirdar* or his successors They and their successors may mortgage to a stranger, but only for the term of the mortgagor's life to each other or to the Jagirdar, mortgages are allowed without limit
	630			3,553	2,846	7,029	3,515	3,794	3,964	124	
	Mulik										
	191			637	242	1,070					
	Bhum										
	130			431	45	606					
Total	951			4 621	3,133	8,705					

No 14.

DUDIANA.

Name of Jagirdars or institution endowed.	Area and nature of land						Average rent roll for 10 years		Settlement Officer's Assessment as on Khalsa	Cesses at 3 2.0 per cent	Tenure and conditions of the grant
	Chahee	Talabee	Abee.	Baranee.	Unculvitated.	Total	Excluding cesses	Including cesses			
							Rs	Rs	Rs	Rs	
Meer Inayat Ullah Shah	Khalsa										
	583			539	1,134	2 256	1,995	2 256	2,100	66	state is not transfer sale, and shall not be sub l by any law of inheritance, ll descend in block accord- the customary law of ion appl cable to the near e heir by blood or adoption. event of dispute, or of the ion of all title to succeed, ment shall determine the ion by executive order. girdar shall have power to ge only for his own life xcept by consent of Gov t The younger sons of girdar are entitled to re maintenance under the same s the younger sons of an rdar
	Milk										
	7			3	16	26					
	Bhum										
	44				1	45					
Total	634			542	1,151	2,327					

No. 15.

DILWAREE.

Name of Jagirdars or institution endowed	Area and nature of land						Average rent roll for 10 years		Settlement Officer's Assessment as on Khalsa	Cesses at 3 2 0 per cent	Tenure and conditions of the grant.
	Chahee	Talabee	Abee.	Baranee	Uncultivated	Total.	Excluding cesses	Including cesses			
							Rs	Rs	Rs	Rs	
Meer Inayat Ullah Shah, Jagirdar, and Meer Nizam Ali, Surfaraz Ali.	Khalsa										The share now held by Meer Inayat ullah Shah, herein termed "the Jagirdar," is not transferable by sale and shall not be subdivided by any law of inheritance, but shall descend in block, according to the customary law of succession applicable to the nearest male heir by blood o In the event of dispute ie ex- tinction of all ti l, Gov ernment shall de succes sion by executive Jagir dar shall have po age for his own lifetim pt by consent of Goverr ounger lineal descendan igirdar are entitled to r enance under the same r ounger sons of an Istimr The shares of Ali and of Surfaraz Ali e ferable by sale In cas f heirs their shares shal Jagir dar or his succ ey and their successors ge to a stranger, but onl n of the mortgagor's life ther or to the Jagird es are allowed without
	160	29	57	220	1,021	1,547	857	1,042	805	25	
	Milk										
	22			10		32					
	Bhum										
	18			38	5	61					
Total	200	29	57	268	1,026	1,640					

No. 16.

JHARWASA-BHATTIANI.

Name of Jagirdars or institution endowed.	Area and nature of land.						Average rent roll for 10 years		Settlement Officer's Assessment as on Khalsa.	Cesses at 3-2-0 per cent.	Tenure and conditions of the grant.
	Chahee.	Talabee	Abee.	Baranee.	Uncultivated.	Total.	Excluding cesses.	Including cesses.			
	Khalsa.						Rs.	Rs.	Rs.	Rs.	
Meer Nazim Ali, Jagirdar, & Surfaraz Ali Alam Ali, Mardan Ali Sardar Ali, Muluh Begam, are four sharers who receive a fixed annuity from the assets of the Jagir.	371	408	477	1,024	8,540	10,820	4,776	5,545	3,545	110	r Ni- irdar" all not nheri- block, w of earest 1. In xtinc- overn- ession r shall s own nt of al de- ititled r the . of an trans- heirs, girdar ucces- r, but agor's es are ule of ily of ailure irdar, gaged agor's
	Mulk.										
	56	23	29	60	68	216					
	Bhum.										
	43	35	27	30	112	247					
Total ...	450	466	533	1,114	8,720	1,1283					

No. 17.

ARJANPURA.

Name of Jagirdars or institution endowed.	Area and nature of land.						Average rent roll for 10 years.		Settlement Officer's Assessment as on Khalsa.	Cesses at 3 2 0 per cent.	Tenure and conditions of the grant.
	Chahee	Talabee.	Abee.	Baranee.	Unculti vated.	Total.	Excluding cesses	Including cesses			
							Rs	Rs.	Rs	Rs.	
Gulab Singh *Gov.*	Khalsa										The land now held by Gulab Singh *herein termed* "the Jagirdar" is not transferable by sale, and shall not be subdivided by any law of inheritance; but shall descend in block, *according to the customary law of* succession applicable, to the nearest male heir by blood or adoption In the event of disputes, or of the extinction *of all title to succeed*, Government shall determine the succession by executive order The Jagirdar shall have power to mortgage for his own *lifetime only, except by* consent of Government The younger lineal descendants of the Jagirdar are entitled to receive maintenance under the same rules as *the younger sons* of an Istimrardar. The 15 persons who hold land as an equivalent of their maintenance are not sharers in the estate *They* can not sell or mortgage their lands for any term beyond their own lives, except to the Jagirdar, who will succeed on failure of heirs Succession of this land shall be regulated by the rule of the family of the persons in possession
	127	33	111	573	900	1,744	572	632	*901*	*28*	
	Mi										
	6	...	4	26	1	37					
	Bhum	Nil.									
Total ...	133	33	115	599	901	1,781					

No. 18.

MANGLEAWAS.

Name of Jagirdars or institution endowed.	Area and nature of land.						Average rent roll for 10 years.		Settlement Officer's Assessment as on Khalsa.	Cesses at 3 2 0 per cent	Tenure and conditions of the grant.
	Chahee.	Talabee.	Abee.	Baranee.	Unculti-vated.	Total.	Excluding cesses.	Including cesses.			
							Rs.	Rs.	Rs	Rs.	
Saligram *Jotshi*	Khalsa.										
	301	8	8	648	1,467	2,432	2,024	2,209	1,736	54	The estate is not transferable by sale, and shall not be subdivided by any law of inheritance ; but shall descend in block according to the customary law of succession applicable, to the nearest male heir by blood or adoption In the event of dispute, or of the extinction of all title to succeed, Government shall determine the succession by executive order. The Jagirdar shall have power to mortgage only for his own lifetime, except by consent of Government. The younger sons of the Jagirdar are entitled to receive maintenance under the same rules as the younger sons of an Istimrardar.
	Mulk.										
	12	...	...	.	..	12					
	Bhum.										
	17	...	...	15	21	53					
TOTAL ...	330	8	8	663	1,488	2,497					

No. 19.

CHAWANDA

Name of Jagirdars or institution endowed	Area and nature of land						Average rent roll for 10 years		Settlement Officer's Assessment as on Khalsa	Cesses at 3-2-0 per cent.	Tenure and conditions of the grant
	Chahee.	Talabee	Abee	Baranee	Uncultivated	Total	Excluding cesses	Including cesses			
							Rs	Rs	Rs	Rs	
Gokulpuri *Gosain*	Khalsa										
	186	36	123	275	708	1,328	1,336	1,555	1,310	41	The estate is not transferable by sale, and shall not be sub divided by any law of inheritance; but shall descend in block according to the customary law of succession applicable to this Gosain In the event of dispute Government shall determine the succession by executive order The Jagirdar shall have power to mortgage only for his own life time, except by consent of Government
	Milk										
		–	4		9	13					
	Bhum										
	42	2		5	3	52					
Total .	228	38	127	280	720	1 393					

No. 20.

HALF OF AKHRI

Name of Jagirdars or institution endowed.	Area and nature of land: Chahee	Talabee.	Abee	Baranee.	Unculti vated.	Total	Average rent roll for 10 years: Excluding cesses.	Including cesses	Settlement Officer's Assessment as on Khalsa.	Cesses at 3 2 0 per cent.	Tenure and conditions of the grant.
							Rs.	Rs	Rs	Rs	
Sharf ud-din, Amrao Bibi, Sarfaraz Ali, Asad Ali, Nurul Hasan, Alam Ali Ashraf Ali, Nizam Ali Vakil, Karim Ata, Sade ud din, Wazeer Ali, Ihsan Ali, Kasim Ali, Khadim Hussein, Imam Ali, Haidar Ali, Meer Inayet ul lah Shah.	Khalsa.										The grant consists of half the net revenue of Akhri None of the sharers are entitled to the designation of *Jagirdar* Each shall enjoy the share of the revenue of which he is or may become lawfully possessed Succession shall be regulated by the rules customary in the family of each sharer Any sharer may mortgage his share for the term of his own life to a stranger, but may not sell or make gifts to a stranger. Among the sharers themselves, sales, mortgages, and gifts are unrestricted
	50	30	64	235	171	550	765	765	429		
	Muafi	Nil									
	Bhum.										
	5	..	..	25		30					
TOTAL	55	30	64	260	171	580					

The area shown in this statement is half the area of the village, but there is no land which is really Jagir The Jagirdars receive from the Treasury half the net Government revenue, a sum equivalent according to the present assessment to Rs. 429, and they have no concern with the management of the village.

No. 21.

BANDORI

Name of Jagirdars or institution endowed	Area and nature of land: Chahee	Talabee	Abee	Baranee	Uncultivated	Total	Average rent roll for 10 years: Excluding cesses	Including cesses	Settlement Officer's Assessment as on Khalsa	Cesses at 3 2 0 per cent	Tenure and conditions of the grant
							Rs	Rs	Rs.	Rs	
Ameer Ali, son of Khowaj Bukhsh Ameer Ali, Sharf ud din, son of Meer Hafiz Ali, Rahim unnisa, Irshad Ali Ghulam Ahmed Abu Bakr Zainat Bibi, Mewa Bibi Hussein Bukhsh	Khalsa										None of the sharers are entitled to the designation of Jagirdar. Each shall hold the share of which he is or may become lawfully possessed. Succession shall be regulated by the rules customary in the family of each sharer. Any shareholder may mortgage his share for the term of his life to a stranger, but may not sell or make gifts to a stranger. Among the sharers themselves, sales, mortgages, and gifts are unrestricted
	79	52	10	577	2 202	2 920	927	1,120	701	22	
	Milk										
				17	14	31					
	Bhum										
	15	6	13	79	32	145					
Six Mahajans											
Total	94	58	23	673	2,248	3,096					

The share held by the six Mahajans who had no right to purchase should be assessed, and the revenue credited to the Government

No. 22.

GANAHERA.

Name of Jagirdars or institution endowed	Area and nature of land						Average rent roll for 10 years		Settlement Officer's Assessment as on Khalsa	Cesses at 3 2 0 per cent	Tenure and conditions of the grant
	Chahee.	Talabee.	Abee	Baranee.	Uncultivated	Total	Excluding cesses	Including cesses			
									Rs	Rs	
Munir Beg, Saadat Bibi, Kazi Munir ud din, Ghiyas ul-din Shafi Hussein, Asgar Ali, Ghuffar Ali Khidmut Ali, Abdul Halim Munawar Bibi, Hussein Ali, Najaf Hussein, Wazeer Begum Miraj Ali, Asad Ali Surfaraz Ali Alimunnisa, Jafar Ali, Chunni Begum, Ashraf Ali Ramzunissa, Alam Ali Nur ul Hasan, Shurfunnisa, Mohammed Hussein, Ahmed Hussein, Najeebunnisa Sadr ud din, Ghulam Hussein.	Khalsa.										None of the sharers are entitled to the designation of Jagirdar. Each shall hold the share of which he is or may become lawfully possessed Succession shall be regulated by the rules customary in the family of each sharer. Any shareholder may mortgage his share for the term of his own life to a stranger, but may not sell or make gifts to a stranger. Among the sharers themselves, sales, mortgages, and gifts are unrestricted
	132	55	220	172	1,620	2,199	Not procurable		1,544	48	
	Malik										
	19	..	3	3		25					
	Bhum										
	2	8	13	23	25	71					
Total ...	153	63	236	198	1,645	2,295					

No. 23.

MORAJHARI.

Name of Jagirdars or institution endowed.	Area and nature of land						Average rent roll for 10 years		Settlement Officer's Assessment as on Khalsa	Cesses at 3 2 0 per cent	Tenure and conditions of the grant
	Chahee.	Talabee	Abee	Baranee	Uncultivated	Total.	Excluding cesses	Including cesses			
							Rs	Rs.	Rs	Rs	
Meer Hafiz Ali, Wazeer Ali, Ihsan Ali, Musharif Bibi, Mahommed Hussein, Ameer Ali, Faiz Mahommed	Khalsa										
	283	42	17	667	1,372	2,381	2,188	2,337	1,534	48	None of the sharers are entitled to the designation of Jagirdar Each shall hold the share of which he is, or may become lawfully possessed Succession shall be regulated by the rules customary *in the family of each sharer* Any shareholder may mortgage his share for the term of his own life to a stranger, but may not sell or make gifts to a stranger Among the sharers *themselves, sales, mort*gages, and gifts are unrestricted.
	Mulk.										
	13	2		74	2	91					
	Bhum										
	54	2		38	61	155					
Total	350	46	17	779	1,435	2,627					

No 24

HALF OF NANDLA

Name of Jagirdars or institution endowed	Area and nature of land						Average rent roll for 10 years		Settlement Officer's assessment as on Khalsa	Cesses at 3 2 0 per cent	Tenure and conditions of the grant
	Chahee	Talabe	Abee	Barance.	Uncultivated	Total	Excluding cesses	Including cesses			
							Rs.	Rs	Rs	Rs	
Yusuf Ali, Hafiz Ali, Mardan Ali, and C[illegible] Khadims of Dargah of Khwaja Muin ud Din Chisti	Khalsa.										
	289		53	478	540	1,362	1,628	1,841	1,347	42	None of the sharers are entitled to the designation of Jagirdar Each shall hold the share of which he is or may become lawfully possessed Succession shall be regulated by the rules customary in the family of each sharer Any shareholder may mortgage his share for the term of his own life to a stranger, but may not sell or make gifts to a stranger Among the sharers themselves sales, mortgages, and gifts are unrestricted The grant holds good so long as *there is no necessity to interfere in* consequence of the misappropriation of the income
	Milk and Bhum Nil										

No. 25.

HATHIKHERA

Name of Jagirdars or institution endowed	Area and nature of land						Average rent roll for 10 years		Settlement Officer's Assessment as on Khalsa.	Cesses at 3-2-0 per cent	Tenure and conditions of the grant
	Chahee.	Talabee	Abee	Baranee	Uncultivated	Total	Excluding cesses	Including cesses			
							Rs	Rs	Rs	Rs	
	Khalsa										
Nizam Ali Vakil, Karim Ata Ihsan Ali Sadr ud din Kasim Ali Jowad Ali Imam Ali Haidar Ali Meer Inayut ul lah Shah	99		3	305	2 021	2 428	710	982	551	17	None of the sharers are entitled to the designation of Jagirdar Each shall hold the share of which he is or may become lawfully possessed Succession shall be regulated by the rules customary in the family of each sharer Any shareholder may mortgage his share for the term of his natural life to a stranger but may not sell or make gifts to a stranger Among the sharers themselves sales mortgages, and gifts are unrestricted
	Mulk										
	13			17	11	41					
	Bhum Nal										
Total	112		3	322	2 032	2,469					

No. 26.

BEER

Name of Jagirdars or institution endowed	Area and nature of land						Average rent roll for 10 years		Settlement Officer's Assessment as on Khalsa	Cesses at 3 2 0 per cent	Tenure and conditions of the grant.
	Chahee	Talabee	Abee	Baranee	Uncultivated	Total	Excluding cesses	Including cesses			
							Rs	Rs	Rs	Rs	The grant of this estate lasts e Khadims enjoy it, necessity to ce of the e income the rights me lawfully itled to the Succession rules cus each sharer. ge his share ral life to a ell or make ng the Kha mortgages, y been alie rtgage, ex ime of the sed, and the responsible hadims for l benefit of
Khadims of the Durgah of Khwaja Muin ud din Chisti	Khalsa.										
	583	3	118	1,574	3,856	6,134	Not procurable		3,093	97	
	Milik.										
				1	2	3					
	Bhum.										
	49		1	90	13	153					
Total	632	3	119	1,665	3,871	6,290					

No 27.

GHEGAL.

Name of Jagirdars or institution endowed.	Area and nature of land: Chahee	Talabee	Abee	Baranee	Uncultivated	Total	Average rent roll for 10 years: Excluding cesses	Including cesses	Settlement Officer's Assessment as on Khalsa	Cesses at 3 2 0 per cent	Tenure and conditions of the grant
							Rs	Rs	Rs	Rs	
Khadims of the Durgah of Khwaja Muin ud din Chisti	Khalsa										The grant of this estate lasts as long as there are Khadims of the Durgah to enjoy it, and so long as there is no necessity to interfere in consequence of the misappropriation of the income Each Khadim shall retain the rights of which he is or may become lawfully possessed None are entitled to the designation of Jagirdar Succession shall be regulated by the rules customary in the family of each sharer Any sharer may mortgage his share for the term of his natural life to a stranger, but may not sell or make gifts to a stranger Among the Khadims themselves, sales mortgages, and gifts are unrestricted Land which has already been alienated by sale or by a mortgage extending beyond the lifetime of the mortgagor, shall be assessed, and the revenue made over to some responsible representative of the Khadims for application for the general benefit of the Khadims
	180			937	857	1,974	1,786	2,056	1,412	44	
	Milk										
	56			80	98	234					
	Bhum										
	8			54	11	73					
TOTAL	244	.		1,071	966	2,281					

No 28.

BAEENJA

Name of Jagirdars or institution endowed	Area and nature of land						Average rent roll for 10 years		Settlement Officer's Assessment as on Khalsa	Cesses at 3 2 0 per cent	Tenure and con litions of the grant
	Chahee	Ta labee	Abee	Baranee	Uncultivated	Total	Excluding cesses	Including cesses			
							Rs	Rs	Rs	Rs	
Khadims of the Durgah of Khwaja Muin ud din Chisti	Khalsa										The grant of this estate lasts as long as there are Khadims of the Durgah to enjoy it, and so long as there is no necessity to interfere in consequence of the misappropriation of the income Each Khadim shall retain the rights of which he is, or may become lawfully possessed None are entitled to the designation of Jagirdar Succession shall be regulated by the rules customary in the family of each sharer Any sharer may mortgage his share for the term of his natural life to a stranger, but may not sell or make gifts to a stranger Among the Khadims themselves, sales, mortgages, and gifts are unrestricted Land which has already been alienated by sale or by a mortgage, extending beyond the lifetime of the mortgagor, shall be assessed, and the revenue made over to some responsible representative of the Khadims for application for the general benefit of the Khadims
	73	47	152	1,037	1, 80	3 280	420	605	1,000	31	
	Mulk Nil										
	Bhum										
	43	1	39	50	7	140					
Total	116	48	191	1,087	1,987	3,429					

No. 29.

PUSHKAR

Name of Jagirdars, or institution endowed	Area and nature of land						Average rent roll for 10 years.		Settlement Officer's assessment as on khalsa	Cesses at 3-2-0 per cent.	Tenure and conditions of the grant
	Chahee	Talabee	Abee	Baranee	Uncultivated	Total	Excluding cesses	Including cesses			
									Rs	Rs	
Brahmans of Bari Basti in Pushkar	Khalsa										The grant of this estate lasts as long as there are Brahmans to enjoy it, and as long as the services for which it was granted are performed Each Brahman *shall retain the rights* of which he is or may become lawfully possessed None are entitled to the designation of Jagirdar Succession shall be regulated by the rules customary in the family of each sharer. Any sharer may mortgage his share for the term of his natural life to a stranger, *but may not sell or make gifts to a stranger* Among the Brahmans themselves, sales, mortgages, and gifts are unrestricted Land which has already been alienated by sale or by a mortgage, extending beyond the lifetime of the mortgagor, shall be assessed, and the revenue made over to *some responsible representative* of the Brahmans for application for the general benefit of the Brahmans.
	28	1	327	476	4,490	5,322	Not procurable.		978	31	
	Mulk										
		2	4			6					
	Bhum		*Nil*								
Total	28	3	331	476	4 490	5 328					

o. 30

NAIDLA.

ame of Jagirdars, or institution endowed		Area and nature of land						Average rent roll for 10 years		Settlement Officer's assessment as on khalsa	Cesses at 3 2 0 per cent	Tenure and conditions of the grant.
		Chahee.	Talabee	Abee	Baranee	Unculti vated	Total	Excluding cesses	Including cesses			
								Rs	Rs	Rs	Rs	
imans of Chhoti asti in Pushkar	Khalsa		8	129	124	816	1 077	587	591	497	16	The grant of this estate lasts as long as there are Brahmans to enjoy it, and so long as there is no necessity to interfere in consequence of the misappropriation of the income Each Brahman shall retain the rights of which he is or may become lawfully possessed None are entitled to the designation of Jagirdar Succession shall be regulated by the rules customary in the family of each sharer Any sharer may mortgage his share for the term of his natural life to a stranger, but may not sell or make gifts to a stranger Among the Brahmans themselves, sales, mortgages, and gifts are unrestricted Land which has already been alienated by sale or by a mortgage, extending beyond the lifetime of the mortgagor shall be assessed, and the revenue made over to some responsible representative of the Brahmans for application for the general benefit of the Brahmans
	Mulik			6	7		13					
	Bhum			4	1		5					
Total			8	139	132	816	1,095					

BHOOM HOLDINGS AND RURAL POLICE

Dated Ajmere, August 1873

To—L. S SAUNDERS, Esq , Commissioner, Ajmere

Sir,

[illegible] January
[illegible] Rural

2 Before, however, entering into the details of the Bhoom holdings of the District we desire to record our opinion as to the nature of Bhoom in general, for we believe that the tenure is like that of the Talookdars, part and parcel of the land system of Rajputana, and that to consider it apart from that system or to allow one's mind to be influenced by the totally misleading analogy of village watchmen in other parts of India, is a method certain to lead to an unsatisfactory conclusion

3 The Ajmere Bhoomia must not be comfounded with the Chowkidar of the Bengal Presidency, a low caste village servant armed with a lathee or a spear The Bhoomia is the great man in the village, and is looked up to with awe and respect by the village community He lives usually in an old fort, and always in the best house in the village He is a soldier Rajpoot, carries his sword, and if he can afford it keeps a horse or two Only when reduced to poverty from having too many mouths to feed does he condescend to touch a plough The Patel presents a rupee, the Bhoomia presents the hilt of his sword to the District Officer The Bhoomia may intermarry with Jeypur, Meywar and Marwar Thakurs on terms of equality His gentility of blood is admitted even though his condition be poor

4 Etymologically the term Bhoomia is derived directly from "Bhoom" land, and is the equivalent of the much-abused Persian word ' Zamindar," but unlike the latter term, the name in Rajputana seems never to have been perverted from its original meaning, which Colonel Tod translates by the words "allodial proprietor" In his sketch of the feudal system of Rajasthan, Vol I, pp 168 *et seq*, Colonel Tod thus describes the Bhoomias They are a body of armed husbandmen, a feudal militia, paying a quit-rent to the crown (though generally they deny this obligation) and liable to be called out either for local service or on an invasion, in either of which cases the prince is bound to furnish rations So cherished is this tenure of Bhoom that the greatest chiefs are always solicitous to obtain it even in the villages

entirely subject to their authority Bhoom is the only tenure which is not deemed resumable by the Crown, and is hereditary in the fullest sense of the word though more divisible among children in some places than in others Colonel Tod proceeds to draw a comparison between the right of Rekwallee and the rights known as Salvamenta in the feudal system of Europe The great object of the lord was to get Bhoom and Bhoom thus obtained is irrevocable To become Bhoom however, it must apparently be sanctioned by the prince for we find the Rana of Meywar stepping in on one occasion to remedy abuses which had grown up during the times of rapine and anarchy at the end of last century and the beginning of the present one

This last mentioned kind of Bhoom is the conditional Bhoom of Ajmere

5 Colonel Brooke in his No 205 dated 19th August 1871 enumerates five kinds of Bhoom First Bhoom received for Mundkati' Secondly Bhoom granted to quell a feud Thirdly Bhoom granted by the Raj for services in the field or even for favor Fourthly Bhoom granted by the Raj for protection of a border Fifthly Bhoom granted by villages for protection or watch and ward of their village Of the first and second kinds we observe that there are no examples in this District, and with regard to the fifth class Colonel Brooke remarks that to constitute such grants Bhoom at all it is necessary that they be confirmed by the Raj When they have been so confirmed we see no good reason for treating the fifth class differently from the fourth Bhoom we consider to be land in which the State has abandoned its right to revenue and the owner his right of ownership in favour of one and the same person the Bhoomia and that whether the State grants lands of its own in Bhoom or abandons its right to revenue on land belonging to other persons who have given up their right of ownership the position of the Bhoomia is exactly the same There are only two authenticated instances of the third class of Bhoom and all Bhoom holdings in this District whatever their origin are now subject to the same responsibility and pecuniary liability We propose therefore to treat all holdings which fall under our definition of Bhoom in precisely the same manner

6 In the year 1829 Mr R. Cavendish Superintendent of Ajmere caused a laborious investigation to be made into the Bhoom holdings of the District He recorded the evidence of the Bhoomias and Patels as well as the statements of the Canoongos as to the incidents of the tenure in each village All land pointed out by the Bhoomias as held in Bhoom was measured and the result of the inquiry carefully abstracted, the inquiry

however was made almost exclusively with a view to the augmentation of the Government demand and no orders were passed on any of the questions connected with the tenure which then rose for solution The statements of the Canoongos are abstracted in the vernacular records and are to the effect that the Bhoomias are responsible for the protection of the village boundary from Mairs and Dacoits are bound to guard the village cattle when grazing and on requisition from the Soobah to attend for 10 or 15 days receiving rations. The property was stated to be a hereditary one the Soobahdar was entitled to levy fines on default or negligence The custom of pecuniary indemnification for the value of stolen property was they stated no part of the original tenure but had grown up during the Mahratta rule and after it when the practice began to obtain that the State should compensate losses and the State transferred its liability to the Bhoomia The Canoongos further stated that only Rajpoots and Pathans could become Bhoomias

7 Whatever may have been the duties and liabilities of Bhoomias at the commencement of our rule and before it all Bhoomias in the District are now subject to these obligations

First—To protect the property of travellers within the limits of the village of which they are Bhoomias from theft and robbery

Secondly—To protect the village of which they are Bhoomias from Dacoits

Thirdly—Pecuniarily to indemnify any sufferer from a crime which they ought to have prevented

8 We are now prepared to give a definition of Bhoom and its incidents as existing in this District

Firstly—Bhoom is a hereditary property in which the sole proprietary right in the land is inseparably bound up with a revenue free tenure granted by the Ruling Power In this Bhoom differs from a Muaffee or Jagir grant in which Government has only granted its own rights as regards revenue

Secondly—Bhoom is resumable for offences against the State and other offences for the punishment of which confiscation of immovable property is enacted

Thirdly—The resumption of Bhoom entails the loss of all proprietary as well as revenue free rights for these two have never been separated

Fourthly—For neglect or remissness in the performance of his duty the Bhoomia is liable to fine, and attachment of the Bhoom is allowable till the fine has been paid or recovered from the property. During attachment no responsibility attaches to the Bhoomia.

Fifthly—The property is liable to resumption if it be alienated without the consent of the State, and Government can settle the holding with whom it pleases

In Mr Cavendish's register Bhoom was recorded in 111 villages, of these however no Bhoom was found in five villages, Gola, Googra, Ghultee, Rusoolpoora and Nandla Jagir The names were entered in the register, an account of the item of Bhoom bab which they had formerly paid Besides these 33 bighas were measured as Bhoom of a Mair in Brigcheawas, which the Canoongos stated was not Bhoom, as it had never been sanctioned by the Soobah, and had been resumed by the zamindars when Chowkidars were appointed. 100 bighas were measured as Bhoom of a Mair in Rajgurh, which the Canoongo stated was not Bhoom It had been given by Raja Ajeet Singh of Rajgurh, but had been resumed by Sevajee Nana. Though ceasing to be Bhoom it had been continued by the zamindars as service land The grant was finally resumed under the orders of Government conveyed in letter No 2958, dated 6th August 1844, and no Bhoom now exists in either of these villages Deducting, therefore, these seven villages, Bhoom has now been measured in 104 villages, 63 Khalsas, 37 Jagir and 4 Istimrar Owing to the subdivision of villages, however, which took place under Colonel Dixon and Mr Ridsdale, there is now Bhoom in 114 Mouzahs, separately recorded on the rent roll

10 In 7 villages there are two Bhoom holdings, *viz*, Rajpoora, Jethana, Jatlee, Baeenja, Mugree, Dodeana Beer The total number of Bhoom holdings now in existence is therefore 111 and these are held as follows —

		No of Holdings	No of Villages	
Rajpoots	Rahtor	82	78	
	Gor	9	8	
	Cuchwaha	6	5	
	Sesodia	1	1	Nepolee
	Pathan	9	9	
	Seyyid	1	1	Amba Mussena
		108	102	
	Mair	1	1	Kothaj
	Cheetah	1	1	*Somulpoor.*
	Moghul	1	0	Beer
		111	104	

11 Of these, however, we do not consider the three last named to be Bhoom, although they find a place in Mr Cavendish's register, and for the following reasons —

1 The land in Kothaj was given by Raja Ajeet Singh, the Gor Raja of Rajgurh, to the Patels of the newly founded village of Kothaj There is a Sanad of Govind Rao, Soobahdar, sanctioning this as service land, but the land never paid Bhoom bab and the holder himself recorded before Mr Cavendish that the land was not Bhoom but a Chowkidari grant

2 The tenure of the land in Somulpoor has formed the subject of a dispute before the Settlement Officer The holding is known not as Bhoom, but as 'Pisao,' a word the etymology of which is apparently unknown This grant was made by the *Dargah Meeran Sahib* as a bribe to the Cheetahs to allow their grain to pass unplundered from Doraee to Taragurh The Cheetahs pay a fixed yearly rent of Rs 64 to the Dargah The Jagirdars do not allow the land to be Bhoom The Canoongo stated in Mr Cavendish's time that the land was not Bhoon, nor has it ever paid Bhoom bab

3 The land held by the Moghuls in Beer is not allowed by the Jagirdars to be Bhoom It is a grant of Jagirdar never paid Bhoom bab, and was not admitted by the Canoongos in Mr Cavendish's time It was given apparently partly to secure the protection of the village, but chiefly to secure personal attention when the Khadims of the Dargah whose Jagir it is visited the village

12 We do not propose to interfere further with these holdings than to erase them from the list of Bhoom tenures They are all in Jagir villages, and are founded on grants by the Jagirdar, who is powerless to resume them The right of ownership has been given away, and it is apprehended that the Civil Courts would not permit the right of property when once granted to be recalled as long as the grantee is willing to abide by the conditions of the grant The holdings will be recorded as Service land, and the Jagirdar can enforce the conditions of the tenure The tenure of these Mairs and

Cheetahs is in every respect identical with that of the hereditary Chowkidars of Pushkar, also Mairs, who have never been considered to be Bhoomias There remain, therefore, 108 genuine Bhoom holdings

13 The origin of the genuine Bhoom holdings is involved in great obscurity In Mr Cavendish s time, Sanads were forthcoming in only six villages the Bhoomias stating that they had lost their title deeds during the plundering and anarchy of the Mahrattas One of these villages is *Kothaj* already referred to For *Khwajpoora* there is a Sanad of Govind Rao, A D 1760 authorizing Jafar Khan to take the customary fees, and enjoining on him the necessity of arranging for the protection of the road from Ajmere to Rajaosee Jafar Khan, it adds, is responsible for losses on the road

For *Arjunpoora*, there is a Sanad of Daulut Rao Sindia declaring that Dhan Singh and Bhawan Singh, Gors, Thakoors Bhoomias, had by custom been in possession of lands wells and 'Haqq dastur Bhoom,' adding that they possessed a Sanad of the 'Maharaja Kalan' and forbidding all amils to interfere with them in any way

For *Burgaon* there is a Sanad of Mahajee Sindia declaring that the zamindari of the village rests with Jafar Khan from ancient times and enjoining the amils to continue all rights and privileges connected with the land as customary

For *Kekri* there is a Sanad of Farrukhsir, dated 4th year of his reign, announcing to the Canoongos and Chowdhris of Perganah Kekri, that 1,000 bighas of land and a garden and a dwelling house, together with all proprietary cesses, has been granted to Raj Singh son of Kishen Singh Rathor and forbidding as usual any interference

For *Nand* there is a Sanad of Maharaja Abhey Singh to Hindoo Singh, Himmat Singh and Bakht Singh, declaring that the grantees distinguished themselves in Guzerat during the war with Sirbuland Khan and that Kanwar Dalel Singh was killed in battle Accordingly 1,331 bighas are granted

14 These are the only ancient documents in existence, and of them the Sanads produced by the Bhoomias of Arjunpoora, Khwajpoora, and Burgaon throw no light whatever on the original terms of the grant The Sanad produced by the Nand Bhoomia is an original one, but in it there is no provision making the grant conditional, much less making it service land The

Kekree Sanad also reads like an ordinary grant of revenue free land nor clearly would so powerful a chief as the Thakoor of Joonea who is proud to call himself the Bhoomia of Kekree ever have allowed his tenure to be called Bhoom, were it not the general belief that in permanence and dignity Bhoom surpassed an ordinary revenue free holding The Thakoor of Joonea stated before Mr Cavendish that the whole kusbah of Kekree had been given in Jagir by Aurangzeb to Kishen Singh on account of distinguished service. He held for 20 years when he was killed in battle and was succeeded by his son Raj Singh This man quarrelled with his brothers and the Jagir was resumed and so much land given as Bhoom No Bhoom bab had ever been paid The grantee was found to have been in possession of 2 500 bighas for a considerable period He keeps up an establishment of Chowkidars and is not considered responsible for pecuniary indemnification of losses.

15 In all other Bhoom holdings the name of the grantor and the terms of the grant can only be filled in from the verbal statements of the Bhoomias Even in Mr Cavendish s time a third of them could not tell whether their holdings originated under the Moghul Emperors or under some other of the dynasties which held Ajmere and the lapse of 44 years has not increased their knowledge The following table shows succinctly their statements as to the grantor —

Name of grantor	Holdings of Rahtors	Holdings of Gors	Holdings of Cuchwaha	Holdings of Pathans	Holdings of Sesodia	Holdings of Seyyd
Emperors	29	7	4	9	1	1
Maharaja Abhey Singh	3					
Maharaja Ajeet Singh	1					
Gor Singh	2					
Sudool Singh Puar	1					
Village communities	5					
Kesri Singh of Rajgurh		1				
Purchased	1					
Unknown	40	1	2	0	0	0
Total	82	9	6	9	1	1

Land and Revenue]

Of the Rahtor Bhooms the history of Nand and Kekri has been already given Three holdings those of Kalesra Nagelao and Ramner Dhani are stated to have been given iwaz naukari all the rest for protection of the boundary and of the village Of the Gor holdings that of Danta is said to have been granted on a general condition of compliance with the commands of the Sovereign that of Jhurwasa for maintenance of the grantee whose ancestors were killed in battle The rest are stated to have been granted on condition of protecting the boundary and this is the case in all the Pathan holdings the Sesodia holding the Seyyid holding and all the Cuchwaha holdings with the exception of Hurmara which is stated to be held on the same tenure as Jhurwasa

16 We do not propose to interfere in any way with the custom of inheritance which prevails in each holding The right of primogeniture is recognized in 16 holdings as given in the margin, in ten* holdings of the Rahtors the eldest son obtains a larger portion than his brethren In Lohurwara and Bhugwanpoora of the Rahtors and in Nandla and Jhurwasa of the Gors the land has been distributed according to ability to cultivate but in these now as in all the remaining holdings in the District the rights in the proper y are regulated by ancestial shares

Rahtor	Gor.
Chandolaee	Arjunpoora.
Sudapoor	Danta
Na lh	Lavera
Khyria (Khawaja Sab b.)	Nearan
Khyria (Meeran Sahib)	
Beer	Cuchwaha
Bhuttianee	
Morajharee	Hurmara
Kesurpoora	Tillornean
Kekree	

* Dhanee	Rampoora (2)
Nagelao	Makurwalee.
Tillora	Chacheawas
Kishnpoora	Khoree
Setawurean	

17 For the present inquiry all the holdings have been measured with the exception of those situated in the four Istimrar villages and those in Hurmara and Tillornean where measurements have been stopped under the orders of the Administration The result is shown in detail in the tabular statement which accompanies this report The total area measured as Bhoom by Mr Cavendish was bighas 61 031 13 The total area found in the possession of Bhoomias now is 50 125 bighas 17 biswas The area of the six holdings not measured may be taken as 6 000 bighas In order to obtain the approximate value of the revenue of this land Colonel Dixon s village rates were applied in the Khalsa villages and Mr Cavendish s rates were applied in the Jagir The result gives a rental enjoyed by the Bhoomias of Rs. 31 786 or adding Rs 5 000 for the six holdings not measured Rs. 36 786 There are in the 108 Bhoom holdings 2 102 sharers The average share of land is therefore Bs. 26 14 of revenue Bs 17 7 11

The following statement shows the distribution of the Rs 50 125 17 between the Khalsa and Jagir villages —

	Ch	Tal	Abee	Baranee	Culturable	Barren	Total
Khalsa	6 232 7	720 8	594 9	15 231 6	9 330	2 118 10	34 227
Jagir	3 284 3	228 10	272 13	6 237 1	4 881 17	994 13	15 898 17
Total .	9 516 10	948 18	867 2	21 468 7	14 211 17	3 113 3	50 125 17

18 On the cession of the District in 1818 the Bhoomias were found to be in the custom of paying Bhoom bab every second year The amount paid immediately before the cession was taken as the standard and fixed by Mr Wilder and amounted to Rs 8 408 12 9 This amount continued to be collected every second year until Bhoom bab was abolished with Patel bab and Fouj Khurch in 1842

From the evidence of the Canoongos recorded in Mr Cavendish s time it appears that Bhoom bab was first taken in the year 1752 by Maharaja Tukht Singh of Jodhpore He only took the tax one year and there is no record of how much he collected nor from how many Bhoom holdings The custom of taking Bhoom bab regularly commenced under Sevajee Nana in 1792 The tax was not imposed on any principle other than the capability of the Bhoomia to pay and fluctuated according to that capability Sevajee Nana collected the impost once only during his ten years tenure of power During the next nine years the tax was taken 3 times and Tantia Sindia introduced the custom of taking the tax every second year For the succeeding 9 years the tax was taken 5 times so that altogether Bhoom bab was only collected in 10 years previous to the introduction of British rule It is stated that there was no other reason for the custom of collecting every alternate year except the leniency and generosity of the Government

19 The Canoongos further stated that Tukht Singh took the tax from 16 holdings only Sevajee Nana taxed 35 holdings Dhunraj Singh of Jodhpore added 22 holdings to the previous list and Raja Bahadur Singh of Kishengurh who held a farm from the Mahrattas added 26 more Tantia Sindia and Bala Rao taxed 20 fresh holdings The total number of holdings therefore which had been taxed before our rule was 103 but the tax was irregularly collected and at the time of Mr Cavendish s inquiry only 78 holdings were found to have paid since 1818 33 had paid nothing These 33 Bhooms continued exempt until the abolition of the tax in 1842 There are thus only 5 Bhoom holdings which have never paid Bhoom bab and with regard to them the Canoongos in Mr Cavendish s time gave the following

explanation The tax was not taken in *Kekri* owing to the grant, or rather perhaps the original Jagir having been conferred for special service The *Kesurpoora* holding was exempt owing to the influence of the Raja of Bhina, the relation of the Bhoomia *Beer* Bhoom was similarly exempt owing to the influence of the Raja of Kishengurh *Sitawarean* was not assessed from consideration of the poverty of the Bhoomia *Khwajpoora Birwaee* was not assessed, as from its position on the high road beyond the limits of the District, the village was exposed more than ordinarily to robbers and dacoits

20 Before entering on the proposals of the Committee as regards the utilization of this tenure for the future, it only remains to notice the correspondence and the orders of Government, on the subject of Bhoomias from 1818 to the present time Mr Wilder, the first officer in charge of the District, looked upon the Bhoomias simply as Chowkidars Over and above the produce of their lands the Bhoomias on the cession of the District were found in possession of Bhoom and Mapa duties The former was a tax levied on all goods passing through and staying a night in the village, the latter was a percentage on all goods sold in the village, with the exception of agricultural produce On the representation of Mr Wilder these taxes were abolished Compensation was given to the Istimrardars for the loss of these perquisites in their estates but none was given to the Bhoomias, Government being of opinion (para. 5 of No 671, dated 1st November 1872) that 'in respect to the Bhoomias or Chowkidars it being presumed that they obtain an adequate remuneration in the produce of their service lands, no allowance need be made to them, and at all events the question would simply be whether they are sufficiently paid or not"

21 Mr Cavendish in his Report, dated 8th July 1830, thus writes The Bhoomias are Chowkidars resembling a feudal police or militia They *are bound to protect the village crops and cattle from the incursions of* plunderers, as also to attend the Soobahdar, to aid in putting down all disturbances in the Province, but not bound to move beyond the frontier, they were and are responsible for the peace and safety of their respective villages, and for the value of stolen property on failure of producing it, and of apprehending those concerned ' Mr Cavendish was of opinion that compensation should have been awarded in Mr Wilder's time on account of the resumption of Bhoom and Mapa duties He proposed, as he had done in the case of the Talooqdars, that a standard rate of assessment of 8as in the rupee of the profits derived by the Bhoomias since Sambut 1874 should be fixed in perpetuity, and that there should be a periodical revision, half of the increase

in the assets being demanded as additional revenue every 10 years Government in its reply, dated 7th December 1830, "clearly recognized the right of Government to make periodical Settlements of the Revenue due from the Bhoom lands," and approved the plan of assessment proposed by Mr Cavendish As in the case of the Talooqdars, however, no action was ever taken on these orders of Government.

22 On the report of Major Dixon, in 1844 the land held by one Hurree Mair, commonly called Hurree Bhoomia was resumed This man appeared to have held his land on condition of some ill defined service of 'Hazir bashee," which had latterly been construed into the obligation to maintain a Chaukidar In Mr Thornton's letter No 2958, dated 6th August 1844, the principle is laid down that Government has always considered itself empowered to resume service lands when the service for which they were granted ceases to be performed or is no longer required, but such resumption by no means affects the right to the land itself' Major Dixon was consequently ordered to resume the land, and settle it on a very light assessment with the person in possession. This is the holding which is alluded to in the 9th paragraph of the present Report and which we believe was not and never had been Bhoom There is no example of any holding which falls under our definition of Bhoom ever having been resumed, the only resumption of Bhoom land which has ever taken place has been in the case of encroachments on the Khalsa.

23 In the year 1842 Government abolished the Bhoom bab which had been collected to the fixed annual amount of Rs 4 204 up to that time The reasons for the abolition are given at length in the printed papers on the tenure of the Istimrardars Up to the year 1854 however the Bhoomias were in the habit of collecting numerous cesses from the village communities, a mere list of which occupies a long page in Colonel Dixon s proceedings of the 13th December 1854 These cesses or "lags as they are called extended to nearly every incident of life They took presents on the Holee and Dusserah, they impressed labour to repair their forts they received a goat yearly, in some villages a buffalo the Bulahees were bound to furnish shoes, and a churus yearly for the Bhoomia s well They took 70 heads of Indian corn per field in some villages, and a handful of wheat per field The villagers had to pay on the marriage of the eldest son of the Bhoomia and presents known as Chauri and Kansa were made to the Bhoomia on the occasion of every marriage in the village Colonel Dixon proposed that as the Bhoom bab had been remitted all perquisites with the exception of halting fees be interdicted and that it be left optional with the people to present

the Bhoomias with the Chauri and Kansa, money fees and plates of food on the occasion of marriages. Government in its letter No 4592, dated 24th November 1854, entirely concurred with Colonel Dixon, and authorized him to give effect to his proposals, which he accordingly did

24 The opinion of Major Lloyd, on the subject of the Bhoomias, is given in his letter No 314, dated 24th October 1861, and agrees substantially with the views of the Committee He says in para 5, that the resumption of Bhoom lands by the State is wholly unknown in Rajputana, and no measure would create more general dissatisfaction A dispossessed Bhoomia would at once betake himself to plundering, and would carry the sympathies and secret goodwill of the people along with him In no case has a Bhoomia been dispossessed for neglect or inefficiency The punishment in such cases has been restricted to fines and to recovering the value of stolen property.

25 On the extension to this District of Act III of 1869, the Deputy Commissioner ordered each Bhoomia to enrol himself as a Chowkidar Those who refused to serve personally were required to furnish a watchman for each 20 bighas of well irrigated land in their holding, or to pay Rs 60 a year as the salary of such watchman The Bhoomias one and all petitioned against this order, as requiring a service which is no part of their tenure, and though no final orders have been passed on these petitions pending the Settlement operations yet the order has never been acted on, nor will it probably be revived

26 We are of opinion that the necessity and utility of the Bhoomia system have passed away with the times of rapine and anarchy which gave it birth The Government of the day made probably the best provision possible at the time for the protection of travellers and its subjects generally As shown above, the average income of a sharer in a Bhoom is only Rs 17, and it is hopeless to expect that a decree for indemnification of losses by theft could be satisfied from the assets of more than a very few holdings The necessity of protecting village cattle from the incursions of Mairs and Dacoits has ceased with those incursions The duties of the Bhoomias alway partook more of the character of an Imperial Police than of a village guard. In the following proposals therefore, we desire to revert to what we believe to be the original features of the tenure

27 *First*—The responsibility of the Bhoomia for protection of his village and for pecuniarily indemnifying sufferers by theft and robberies should cease

Second—The Bhoomias should continue liable to be called out to put down riots and to pursue dacoits and rebels On such occasions they are bound to attend armed with a sword and serviceable gun, but we find it impossible to lay down any rule as to the number of men to be furnished by each Bhoom, further than this that for every tenure one Bhoomia must, when so required attend, and if the value of the holding by present measurement at the rates of Colonel Dixon's Settlement exceeds Rs 500 this Bhoomia must attend properly mounted

Third—Each Bhoomia should be required to attend on the anniversary of the birthday of the Sovereign at the office of the Deputy Commissioner accoutred as required in the last paragraph and should then present a Nuzrana.

Fourth.—The amount of the Nuzrana we propose should be fixed at the amount of the old Bhoom bab Rs. 4 200 annually, and that this sum should be equitably distributed over all the holdings according to the statistics of the present measurement

Fifth—Bhoom lands should continue to be not liable to attachment for debt nor can they be sold or mortgaged to a stranger and if in contravention of orders any Bhoom is sold or mortgaged it should be assessed with land revenue at the full rates This rule shall not apply to transfer among the family of the Bhoomia.

Sixth—A Sanad should be given to each Bhoomia containing these conditions

28 The amount of land which belongs to each holding has never been definitely fixed Mr Cavendish took the statements of the Bhoomias, Patels, Canoongos and Jagirdars as to the size of the Bhoom and measured the land pointed out by the Bhoomias Colonel Dixon did not measure the Jagir villages at last Settlement We propose that an excess of more than 5 per cent over the highest recorded area in Mr Cavendish's measurement in Colonel Dixon's measurement, or according to the statement of the Bhoomia be resumed The Bhoomia should be allowed to choose the land to be resumed if it is cultivated land it should be settled with the Bhoomia, if uncultivated land with the village community or Jagirdar in whose village the Bhoom is situated No Bhoomia of course will receive more land than the amount found in his possession at the present measurement

29 The amount which we propose to make a fixed and permanent assessment on these holdings Rs 4,200 is only about ⅛th of the estimated

annual rental The Bhoomias on our Committee, after consultation with a number of other Bhoomias, proposed that the amount of Nuzrana should be $\frac{1}{10}$th Colonel Dixon's rates, as shown by the Settlement Officer in another Report, may fairly be taken as representing one fourth of the gross produce. The gross produce therefore may be considered as equal to Rs 1,44,000 The Government of India has ordered that revenue free holdings obnoxious to resumption should be assessed at one-fourth the ordinary assessment, and this basis of the ordinary *assessment is to be one sixth of the gross produce* On this analogy the Nuzrana to be paid by the Bhoomias would be Rs 6000 or one twenty fourth part of the gross produce We have, however, recommended the sum of Rs 4200 as it is the amount of the old tax, and will be readily accepted as such by all the Bhoomias, and because, though one third of the holdings did not pay the tax, it must be remembered that the tax was largely defrayed from the unauthorized cesses which were abolished on the abolition of the tax, and which it is not intended to revive

30 At the present inquiry 235-9 bighas have been found to be mortgaged for a gross sum of Rs 8,545, as shown in the separate statement accompanying The mortgages are all in six Bhoom holdings and are nearly all of the class known as "Baraskati,' which lapse of themselves after a fixed term of years We have reason to believe that there are more mortgages of Bhoom land in existence than those shown in this statement No Bhoomia or Mahajun of Ajmere can pretend to be ignorant of the reiterated orders prohibiting the mortgage of Bhoom lands Colonel Dixon in his proceedings, dated 4th May 1843 forbade the mortgage of Bhoom, under penalty of resumption and cancelment of the mortgage bond, and in 1849 all mortgage deeds entered into after the date of the prohibition were called for, and cancelled Neither mortgagee nor mortgagor therefore do we consider entitled to any leniency in this matter, but as we are unwilling to propose the resumption of mortgaged Bhoom without giving the Bhoomia a last chance we recommend—

1st—That all mortgages of Bhoom land be again declared *null* and *void*

2nd—That each Bhoomia be served with a notice calling on him to declare all existing mortgages on the Bhoom lands before the 1st January 1874, under the penalty of resumption of the entire Bhoom holding, if it be afterwards discovered that any have been concealed

3rd—That a fine equal to ¼th of the existing mortgage debt be *imposed on every mortgagor*, and the mortgagee be directed to recover his debt from other property of the Bhoomias The fine of ¼th the mortgage debt

might either be considered a penalty or applied towards the discharge of the mortgage

4th.—If this fine be not paid by the 1st May 1874, the land so mortgaged should be struck out of the area of Bhoom, and settled with the Bhoomia at the ordinary assessment.

31 It is almost unnecessary to provide against the sale of Bhoom, for the practice is quite unknown and no instance has occurred since the establishment of British rule Sale would of course entail the same penalty as mortgage. In the statement in para. 15 one holding is put down as having been purchased. This holding is the Bhoom in Munglewas 140 bighas which was transferred from Bhawan Singh Gor to Ajeet Singh Rahtor in the time of Mahajee Sindia. The Rahtor took upon himself all the duties and responsibilities of a Bhoomia and the transaction is of such ancient date that it is impossible to say now whether it was sanctioned or overlooked by the ruling power at the time, at any rate we do not propose to attach any penalty to this transfer now

32 The subject of Rural Police remains The provision made by Colonel Dixon at last Settlement was as follows In 58 villages of Ajmere the duty of Watch and Ward was left in the hands of Bhoomias In 18 villages Chowkidars were appointed at Rs. 3 a month their pay being derived partly from halting fees paid by travellers and partly from the fund for village expenses. In four villages there were no Chowkidars In Mairwara Colonel Dixon considered the Mairs fully capable of guarding themselves and their villages and Chowkidars were only appointed in one or two large villages where there was a considerable trading population Each resident contributed a certain amount of grain for the pay of these Chowkidars. In the following proposals we advocate not what we consider abstractedly the best system, but that which we consider most suitable under the circumstances As long as the practice prevails in the Court of the Deputy Commissioner and International Court of holding the village community pecuniarily responsible for losses by theft and robbery, we would not detach the duty of Watch and Ward from the village community

First—We would appoint no Chowkidars in Khalsa or Jagir village* which contains less than 200 houses All Mahajans however, we would assess at Re 1 a house per annum and these fees would form the perquisite of the Head Lumberdar, who is responsible for giving information to the Police, or be credited to village expenses

Second.—In all villages containing more than 200 houses we would appoint Chowkidars on Rs 4 a month, to be paid from a cess of Re 1 per house per annum levied from non-agricultural residents. These watchmen are to be under the orders of the Head Lumberdar, and are responsible for giving information only under Part III, Chap VIII, Act X of 1872 The Head Lumberdar is responsible to Government

Third.—In Jagir villages we purpose to hold the Jagirdar responsible as a Head Lumberdar Owners of land in Jagir and Khalsa villages are only responsible under Section 90, Act X of 1872

Fourth.—All holders of Muaffee land in Jagir and Khalsa villages we would require to pay a c[illegible] y cess to be credited to village expenses or paid to the Head Lumberdar *This ce*[illegible] *nauvs* we propose should be Re. 1-14 per cent on the amount which would have been ch it is assessed had the holding not been revenue free, so that plus Rs 3 2 per [illegible]uiry 23 per cent., which will be taken from Muafidars and Jagirdars as Road, School and L[illegible]a, 8,545 [illegible] cesses, the tax on Muafidars will be 5 per cent of the revenue which would [illegible]es are all have been assessed

32 *There does not appear to* [illegible] *Bhoom* [illegible]skati,' whic[illegible] be anything else that we can add We propose to consider *Bhoom a hereditary* [illegible] to believe th[illegible]roperty, to which the ordinary rules of inheritance including the privilege of adop[illegible]ose shown in this [illegible]tion are applicable The Rural we propose to make over entir[illegible] [illegible]nd to be ignorant [illegible] Lumberdar in the Khalsa *be Jagirdar in the* [illegible]

No 3165, dated Ajmere, the 12th September 1873

From—LESLIE S SAUNDERS, Esq, Commissioner Ajmere Merwara

To—THE CHIEF COMMISSIONER, Ajmere and Merwara.

Sir,

I have the honor to report for the orders of Government, on the general question of the Bhoom holdings in this District, the subject has been repeatedly discussed, and has been several times before Government The last orders on it were conveyed in para. 22 of Foreign Secretary's letter No. 377 R, dated 28th October 1871, and this report is that contemplated, under the 4th heading of the para. above-mentioned as to how the services of these Bhoomias may be best utilized.

2 It has been our endeavour to make this correspondence as complete as possible, and with this view a list of the correspondence (much of which must already be in your office) accompanies with a copy of each letter mentioned where possible in print

1 Mr Wilder s No , dated 5th September 1822 (In print)
2 [illegible] 30th [illegible]
3 Mr [illegible]
4 Mr [illegible]
5 Mr [illegible]
6 Ma [illegible]
7 [illegible] 1844 [illegible]
8 [illegible]
9 [illegible]
10 [illegible]
11 [illegible]
12 [illegible]
13 [illegible] closures
14 Settlement Officer s No 141, dated 18th May 1872 (30 copies submitted in print)
15 Deputy Commissioner s No 198 of 12th February 18"3
16 Commissioner s No 3139 dated 11th December 187›
17 Deputy Commissioner s No 76, dated 20th January 1873, with enclosures
18 Commissioner's No 309 dated 27th January 1873
19 Bhoom Committee s Report, dated August 1873, (30 copies submitted in print)

3 The Statement of the Bhoom holdings has not been printed, and is therefore submitted in original, as it is voluminous, and a full and [illegible] abstract is given in the Committee's Report, which will probably be found sufficient for all practical purposes

Land and Revenue]

4 I regret that this subject has not been kept quite distinct and separate, but unfortunately in the correspondence from the earliest days the subject of the Rural Police and in some measure the protection of the Merwara passes has become mixed up with the general question and at this late date it would be almost impossible to separate the different questions arising in this correspondence therefore I have thought it better to discuss them in one letter and to ask for distinct orders on each separate question

5 I do not propose to go back to the old correspondence further than is necessary but rather to accept the facts ascertained by the Committee which was convened for the ascertainment of the present and past status of this peculiar tenure but I will give a short *resume* of the facts arrived at by the enquiry of the Committee as noticed in their very painstaking and valuable Report subsequently I will notice the proposals made by the Committee and finally make the recommendations that seem to me required in this important case

6 The Committee consider the tenure of the Bhoomia to be part and parcel of the land tenure of Rajputana and that the Ajmere Bhoomia bears no semblance to the ordinary Chowkidar He is a man of influence and social position equal to the Thakurs of the surrounding Native States. Colonel Tod's description of the class of men is given showing that this tenure is so cherished that the greatest chiefs are always solicitous to obtain it."

7 The Committee proceed to show that of the 5 classes of Bhoomias mentioned by Colonel Brooke almost all the Bhoom holdings in Ajmere belong to the 4th and 5th class which are nearly identical, only 2 holdings belonging to the 3rd class and even in these cases they do not propose to make any difference in disposing of th[illegible]

8 The duties and liabilities of the [illegible] is then defined as also the definition of Bhoom and it[illegible] in this District in these responsibilities and definitions [illegible] I concur fully and have little or nothing to add

9 The report then contain[illegible] of the holdings, and number of Bhoomias from which [illegible] there are 105 genuine Bhoom holdings, that there are [illegible] villages, and that the origin of most of the grants [illegible] but that about one half of the wh[illegible] Delhi that [illegible] for the

majority, or about four fifths of the Bhooms are held by Rahtor Rajpoots who can trace their families back to the same stock as the Maharajas of the neighbouring States.

10 *The custom of inheritance is proposed to be left untouched, as the* customs are well established and clearly defined, in 16 holdings primogeniture is recognized, in 10 holdings, the eldest son obtains a larger proportion than his brethren, and in the remaining holdings, the inheritance is guided by succession in ordinary ancestral shares

11 The holdings have all been measured, except in the villages, which it is proposed to exchange with the Maharaja of Kishengurh in lieu of the promised compensation for his loss of transit dues caused by the construction of the Rajputana Railway, the measurements show the holdings to amount to a little more than 50 000 bighas, of which ⅔rds are in Khalsa villages and ⅓rd in Jaghir villages, the approximate annual value of the land-revenue surrendered is about Rs 36 000 to Rs 37 000 including Jagir, or about Rs. 25 000 on Khalsa land only

12 The average of each of the 108 holdings appears to be about 464 bighas but in these holdings there are reported to be 2 102 shares or nearly 20 sharers in each Bhoom each of whom holds on an average 26 bighas 14 biswas of land which if fully assessed according to the rates of last Settlement would pay about Rs 17 8 0

13 The Committee then show on what occasions and how often a cess or tax, called *Bhoom bab* was levied and that it was not taken from all the holdings, they then proceed to show what correspondence on this subject has passed since the District passed into the hands of the British Government, the principal order being the one passed by Government on 7th December 1830, to the effect that it clearly recognized the right of Government to "*make periodical settlement of the revenue due from the Bhoom lands* and here I would mention that of the abstract right of Government to fix revenue on these Bhoom holdings as on the Taluqdars lands, or on Jagir or Muafee land, given by any former Government there can be no doubt, but it is rather a question of expediency and good faith than one of abstract right

14 The report records the fact that in 1842 this cess, or *Bhoom bab* was resigned by Government on condition of all the numerous cesses or *lags*, previously taken by the Bhoomias from the village communities being also

abolished, this order was accordingly carried out by Colonel Dixon, and it is not shown that any collections on these accounts are now made by the present Bhoomias, and they should certainly be declared to have lapsed

15 The Committee then proceed to record how lamentably this tenure was mistaken by the Deputy Commissioner in 1869, when he endeavoured to make these Representatives of proud Rajput families, common village watchmen, or else to enforce the salary of a chowkidar being paid by them, this order was, however, never enforced, and has, I hope, now sunk into oblivion

16 We now come to the practical recommendations of the Committee, which are contained in the following 6 proposals —

1st—To relieve the Bhoomias of all Police responsibilities

2nd—To oblige the Bhoomias to arm themselves, to enable them to assist in putting down acts of violence

3rd—To appear armed and accoutred on the Queen's Birthday and to pay on that date a nazrana to the Sovereign

4th—The amount of the nazrana to be the same as the *Bhoom bab* or Rs 4,200 per annum

5th—Bhoom lands not to be alienable, if alienated to be assessed

6th—A Sanad to be given embodying these conditions.

17 It is then proposed to resume all Bhoom lands over 5 per cent held in excess of the sanctioned grant, it is shown that the proposed amount of nazrana is about ⅛th of the estimated annual rental, and proposals are then made for dealing with mortgaged Bhoom lands, and it is noticed that sale of such lands is, except in one solitary instance, unknown

18 Before making use of the information collected, and so clearly put forward by this Committee it is incumbent on me to bring to notice the valuable work done by the Committee, which has rendered my portion of the work so easy and will I trust conduce to the early disposal of this somewhat complicated matter, the main credit is due to the extensive and intimate knowlege of the affairs of the district held by Major Repton, and to the very patient investigation and careful collection of materials by Mr LaTouche, to whom also we are practiculariy indebted for the very complete, well writen, and concise *report now submitted to the other Members of the Committee*, not forgetting the Bhoomia gentlemen, who joined the Committee at my request, I think the thanks of Government are also due

19 As before mentioned I accept the facts collected by the Committee, and I consider the deductions from those facts as irrefutable I also admit the right and power of Government to assess these holdings, as I also did, when the question of assessing the Taluqdars of this District was under discussion, but for the very same reasons as I then gave I most strongly recommend and urge that this right should be abandoned and this power resigned

20 The two tenures, though varying in their incidents and conditions, stand on the very same basis, and what applies to one may also be said to extend to the other, except that the Taluqdars have always paid a quit rent, and the Bhoomias have been excused theirs for upwards of 30 years

21 It may, I think, be at once allowed that to utilize their services to any appreciable extent, or in the manner they were previously employed in, is now next to impossible, the Committee have recognized this fact and propose to relieve them of all responsibilities for Police duties but would call them out as a sort of Militia in case of riots, rebellions, or dacoities, in either, or each, of these cases all loyal and true landowners would be liable for service, and so I do not look on this proposition as a set off against their rent free grants, in the same way obliging them to arm themselves, and to appear once a year before the Deputy Commissioner though supporting the idea, and recognizing the origin of the Feudal Tenure would be of but small practical use

22. Though not desiring to depreciate the value of the proposals made by the Committee, I cannot help noticing the fact that the whole number who would appear for service according to their second proposal, would be 108, and they would have to be supplied with rations, it therefore appears to me that the advantage of preserving this Feudal Tenure over such an insignificant number as above mentioned is scarcely worth the trouble, and the procedure of attendance proposed would certainly in the course of a few years fall into desuetude

23 The levy of nazrana is in strict accordance with native custom and idea, and has been recognized and approved for the Taluqdars of this District who are shown to hold their lands on a somewhat like tenure, as this proposal is made by the Committee it is the re imposition of the remitted *Bhoom bab* which the Government of India has already declared, it has no intention of again levying I would therefore recommend that this Nazrana should be levied as in the case of the Taluqdars on successions The amount

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proposed by the Committee might after distribution on the holdings, be accepted as the standard and the nazrana might be fixed according to the rules subsequently adopted for the Taluqdars of the District, or if this be not considered sufficient, at double the rates so decided upon

24 With the declaration of the levy of nazrana, I would allow all ideas of utilizing the service of Bhoomias, or of restoring the Feudal Tenure of service, to die away, I would declare them (subject to good conduct, and allegiance to the throne) as perpetual Jagirdars or Muafidars, and bring their holdings on the ordinary list of rent-free-tenures for this District, while at the same time I would allow them to keep their appellation of Bhoomia, which is one much respected and revered, and a term which it would be unpopular, and nearly impossible to abolish, the amount of Khalsa land held by them, and the value of it is not excessive, considering how we became possessed of this District

25 The restriction on alienation of Bhoom lands should be preserved, and some such conditions as are proposed in paragraph 30 of the Committee's Report, should be enforced I propose to embody some provision to this effect in the Substantive Law of the Province, now under preparation, as is being done for the Taluqdars of the District and the declaration of the Government of India that all Bhoom lands that have been alienated are to be assessed, will be carried into effect at the present Settlement

26 The sixth proposition to confer Sanads on all Bhoomias, is one that should be certainly carried out Draft Sanads are being prepared for the Taluqdars and it is also proposed to give them to all Jagirdars and Muafidars, and so the Bhoomias should also receive them, when the conditions of their tenure are finally settled

27 The propositions then that I have to make are as follows —

First —That all responsibility of the Bhoomia for Police duties shall cease, except such as they are liable to as ordinary landowners

Second —That they shall be declared to be Jagidars in perpetuity of their holdings, subject to the payment of the ordinary cesses and of a nazrana to be fixed on successions

Third —That alienations temporary or permanent, shall entail assessment at ordinary rates

Fourth.—Sanads to be granted

28 These proposals come to very nearly the conditions prescribed by the Government of India in para 22 of the letter under reply, but the argument adduced by the Committee in para 26 of their Report shows why the sole responsibility of these Bhoomias to reimburse losses cannot be sustained, of course in common with all other landowners in Rajputana they will be held responsible up to the value of their property, for losses sustained in their villages but I do not think any special responsibilities on this account can be sustained, when they shall pay in common with all other landowners a share in the cost of the Village Police

29 I regret to see a good old Feudal custom like this passing away from amongst us but the times are so altered and duties and responsibilities of our Police have been so clearly defined and recognized that I confess I have been unable to suggest any compromise which should utilize the services of this useful class of Allodial Police, the proposals made by the Committee may commend themselves to your judgment and I should not be at all sorry to see them accepted but they appeared to me somewhat unpractical and almost useless and so I have endeavoured to banish sentiment and put them on the only sound footing I thought possible to recommend

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RURAL POLICE

30 The Committee's proposals regarding the Rural Police are that no Chowkidars shall be appointed in villages with less than 200 houses in all other villages Chowkidars to be appointed but in every case the Head Lumberdar to be held responsible for Watch and Ward in Jagir villages the Jagirdar to be appointed Head Lumberdar with like duties and all holders of Muafee land to pay a cess of Rs 1 14 on value of his holding towards Watch and Ward, and Mahajun and other non agricultural residents to pay Re 1 per annum per house, such collections to be made over to the Head Lumberdar

31 These proposals generally meet with my approval Arrangements will have to be made for reports being regularly and periodically submitted for all villages whether they have 200 houses or not and so I am under the impression that a Chowkidar will be found necessary for every village in the District, the Head Lumberdar should be held responsible for reporting all crime but he will certainly require an assistant to patrol the village at night

and to go to the Police Stations with his weekly report I would then appoint m an to every village, under the Head Lumberdar, who should be paid by a cess, the amount of which will be proposed in a subsequent communication

32 With the introduction of these proposals, if sanctioned the application of Act III of 1869, which was only extended as a tentative measure to this District should cease The subject of the protection of the Merwara Passes I propose to deal with separately

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No 30, dated 10th January 1874

From—THE CHIEF COMMISSIONER Ajmere,

To—THE SECRETARY TO THE GOVERNMENT OF INDIA

SIR,

No 3165 of 12th September 1873, from Commissioner, Ajmere with accompaniment

I have the honor of submitting the report called for under heading 4 of para 22 of your letter No 377R, dated 28th October 1871

2 Appended to the report of the Commissioner of Ajmere is a valuable document containing a Report of the Committee assembled to report on the Bhoom holdings and Rural Police of Ajmere

3 Major Repton the Deputy Commissioner sat as President and Mr LaTouche officiated as Secretary The Report has, in my opinion, been drawn up with great care and skill and is based on enquiries instituted with diligence and practical good sense

4 After receiving the accompanying papers from the Commissioner, I endeavoured to the best of my ability to collect from various sources any further information I might be able, concerning these interesting and ancient tenures, and I particularly sought for some mode of procedure under which the services of this class might be utilized. But the longer I pondered the subject the more I came to doubt whether any new or modified scheme that I might elaborate, and which must of necessity be more or less theoretic, would be sufficiently valuable or reliable to warrant my encumbering these already voluminous papers with its details.

5 In this dilemma I sought counsel with that experienced Chief, the Maharajah of Jeypore who has many Bhoomias within his jurisdiction, and is practically acquainted with the management of their interests

6 With the kind intervention of Colonel Beynon, the Political Agent, I submitted all these Bhoomia papers to the Maharajah, who went carefully through them with his private secretary, and favoured me with an opinion in writing, which I subjoin in full

"The nature of the Bhoom tenures and the rights of the Bhoomias have" "been so fully and clearly set forward in the report submitted by the" "Committee, and in the other papers accompanying the Commissioner's" "correspondence, that there is nothing left to be said on these heads."

"The propositions of the Commissioner with regard to the final settle-" "ment of the Bhoom holdings are certainly lenient, but they are likely to be" "construed into an extinction of the special rights the Bhoomias have enjoy-" "ed from time immemorial, inasmuch as they leave almost no distinction" ' between Bhoomias and landowners in general "

"The proposals made by the Committee though more binding are in' "accordance with the original features of the tenure, and so the Bhoomias' ' will be better pleased with the Committee's recommendations'

7 The Maharajah further requested Colonel Beynon to explain that within his own territories his Bhoomia Chiefs, &c were subject to the following responsibilities and rules —

1st —They are responsible for the safe custody of travellers passing through their holdings

2nd —They are responsible for robberies committed within their Bhoom holdings

3rd —They cannot sell their Bhoom lands.

4th —They pay no rent, nor is any rent demanded from them

5th —No Police duties devolve on them

6th.—The rule is not to interfere with them and

7th.—In the event of a marriage, a death or other sudden contingency occurring among the Bhoomias the Durbar may levy a general contribution to meet the extraordinary outlay But this custom is seldom observed

8 On the whole, and taking into consideration that the suggestions of the Committee are based on careful local inquiry, and are approved by the Maharajah of Jeypore, I would suggest, that they be accepted generally by

Vide Para 2 & suggest of the Committee's report

His Excellency in Council, and that if when practically applying these suggestions to the Bhoomia Chiefs, &c, it should be found that in particular instances the suggestions are distasteful or susceptible of improvement, such instances should be re-considered specially on their merits

9 I entirely agree with the Maharajah in thinking that when dealing with ancient tenures and customs we should endeavour to develop these into harmony with the requirements of the age, rather than abolish the old and introduce something, which although perhaps superior in itself, might not be understood by, or acceptable to the community most interested

10 As regards the Police duties, I confess, I am still in doubt I understand from the Jeypore Chief that duties of this description are not considered by him to form any part of the duties required from the Bhoomias

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BHOOM HOLDINGS AND RURAL POLICE, AJMERE

No 230R, dated 24th September 1874.

From—THE SECRETARY TO THE GOVERNMENT OF INDIA

To—THE CHIEF COMMISSIONER OF AJMERE

Foreign Department

Revenue

SIR,

In reply to your letter No 30, dated 10th January last, I am directed to state that after careful consideration of the proposals submitted by the Committee appointed to report on the duties and liabilities of the Bhoomias of Ajmere, the Governor-General in Council is pleased to accept those proposals *in their entirety* The only alteration which it will be necessary to make, is in the date fixed in the 4th clause of paragraph 30 of the Committee's Report, for the limit within which fines imposed on account of mortgages of Bhoom land must be paid This date should be 1st May 1875

2. I am to request that the necessary steps may be taken to make known to the Bhoomias the conditions under which their tenures will in future be held, and to obtain from them an agreement to those conditions in return for the Sanads which will be conferred upon them

3 His Excellency in Council also thinks that the proposals of the Committee, in regard to the Rural Police of the Province, and the arrangements for meeting the charges on account of the Chowkidars are suitable and may be approved The Dupty Commissioner of Ajmere should be instructed to give effect to these proposals with the least possible delay, and to report the number of Chowkidars appointed, as well as the cost of the establishment compared with the proceeds of the sanctioned rates and cesses

4 The thanks of the Government are due to the Members of the Committee for the labor which they have bestowed upon this important subject, and you are accordingly requested to convey to them the acknowledgment of His Excellency in Council

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No 799 OF 1874

Forwarded to the Commissoner, Ajmere, for information and guidance with reference to his No 3165, dated 12th September 1873

AJMERE CHIEF COMMISSIONERSHIP,
CAMP SAMBUR,
The 5th October 1874

(Sd) LEWIS PELLY,
Chief Commissioner

MUAFI HOLDINGS

No 403R, dated 14th December, 1871

From—THE SECRETARY TO THE GOVERNMENT OF INDIA
To—THE CHIEF COMMISSIONER OF AJMERE.

Your letter No 354, dated 27th October, having put Government in possession of the further information necessary for the disposal of the matter which formed the subject of your letter No 202, dated 18th August last, I am now to convey the decision of His Excellency the Viceroy and Governor-General in Council thereon

2 I am in the first place to observe that the translation of the Sanad sent in your first letter, or rather apparently the English translation of the Urdu translation of the original Mahratta Sanand is quite incorrect in an important particular There are in the Urdu no words signifying that the grant was given " in perpetuity The Governor General in Council would be glad to learn how it occurred that the document came to be so incorrectly translated.

3 It is well known indeed that the rent free tenures were rarely given in perpetuity by a Native Ruler, except for the purpose either of endowing a religious or charitable institution, or of perpetuating a succession of holy men whose vows bound them to celebacy, in neither of which cases would alienation have been recognized by the Native Government

4 As a general rule other grants were either hereditary, or without further specification than that annual payment was to be made to a particular individual *The former were, under Native Governments, invariably limited* to the lineal heirs of the grantee, and were continuable as long as such heirs survived, the latter and to this class the particular case out of which this question has arisen, would appear to belong were often renewed to heirs by the issue of fresh Sanads on the death of the holder

5 The transfer for a consideration of grants of this description would, His Excellency in Council believes have been as little recognized by a Native Ruler as that of grants of the description first mentioned, and indeed the inability to alienate is to be inferred from your own remark in para 7, that the tenures in question would lapse on failure of heirs But His Excellency

in Council is willing to commute the prospective liability of these holdings to entire resumption for the payment of a regular annual quit rent of one fourth of the amount at which, if resumed, they would be assessed In consideration of the payment of this quit rent the holders would be left to deal with the land as they pleased, and to sell or mortgage it under the ordinary law applicable in Ajmere to such transactions

6 This then should be one of the operations to be undertaken in the course of the Re settlement now commencing in the Province It should be applied only in the case of personal grants, grants in favour of sacred buildings or charitable institutions remaining in force as heretofore entirely rent-free but not transferable

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No 465, dated Camp Neemuch 23rd December 1871

From—THE CHIEF COMMISSIONER AJMERE AND MERWARA

To—THE SECRETARY TO GOVERNMENT OF INDIA FOREIGN DEPARTMENT

With reference to your No 403R, dated 14th December 1871 regarding the alienation and assessment of rent free tenures in Ajmere I have the honor to request that the matter may be again laid before His Excellency the Viceroy and Governor General in Council as the decision given has been founded on the apprehension that the customs prevailing in this part of the country are identical with those in some other part of India and that the translation of Scindia's Sanad forwarded to me by the Deputy Commissioner was not correctly given

2 With regard to the latter point I would beg to point out that the word used in the Urdu translation of the Mahratta document in two places to express the terms in perpetuity is Shoodamud and this word is always so applied in Rajasthan in the same manner as the word Sadeen expresses from time immemorial The translation therefore is perfectly correct on this point, the grant to Ganesh Brahmin by Scindia having been a grant in perpetuity

3 With respect to the 3rd paragraph of your letter, I would observe that hereditary grants to Brahmins are very common everywhere in Rajputana without any holy offices or conduct being expected in return Hardly

a single village exists which has not a few fields so bestowed No sanctity is required nor celibacy enjoined (The Sects bound to celibacy are the Sadhs and Gosains, few of whom are found in Rajputana) The mere gift of land to a Brahmin (whether ignorant or otherwise appears to be of no consequence) is regarded a charitable act and is frequently made an occasion of great sickness, marriages births of sons, or other causes for rejoicing The recompense will be attained in a future state not only for the gift, but also for the preservation of like gifts made by ancestors

4 Grants of land to Brahmins in Rajputana are always hereditary and without restriction as to time, and made nearly always without specification and without any annual payment, though in the course of time a State may sometimes exact a small payment in cases of disputed successions, or adoption of distant members of the family, when the payment also becomes hereditary Succession is limited to lineal heirs of the grantee, though in course of time the branches from which adoption can be made become very numerous

5 The second class mentioned in your 4th paragraph, the Sanands of whom require renewal on the death of each holder, does not exist in Rajputana A Sanad is only once given and only one record made Scindia's Sanad to Gunesh Brahmin requires no payment from the grantee, as your letter supposes but in addition to the land gives a small tax on the customs revenue of Ajmere

6 In Rajputana grants of land to Brahmins cannot be alienated by sale, but they can be mortgaged for any number of years irrespective of lives If the grantee's family becomes extinct, or is not to be found but not otherwise the land can be resumed by the State on payment of the sum for which it was mortgaged In my letter No 202 dated 18th August 1870, I allowed that this particular grant might perhaps be legally resumable, but I questioned the policy of resumption. If it is decided that the purchaser is to pay one fourth of the amount at which the land would be assessed, and then is to hold in perpetuity, it appears to me that Government will be in a worse position than if it takes its chance of entire resumption to which it is decidedly entitled on failure of heirs You will find also that the number of sales will be very few indeed, and no fresh ones can be expected The income from this source, moreover, will be so small that it will not be worth calculating

No 67R, dated Fort William, 9th March 1872

From—THE SECRETARY TO GOVERNMENT OF INDIA, FOREIGN DEPARTMENT

To—THE CHIEF COMMISSIONER OF AJMERE

In reply to your letter No 465, dated 23rd December, I am to state that His Excellency the Viceroy and Governor General in Council sees therein nothing to render it advisable to modify the views expressed in my previous letter, No 403R, dated 14th December last

2. The word Shoodamud cannot be regarded as conveying a grant in perpetuity, or even a hereditary grant for which there was a common formula well known to the Mahratta Court, by which the grant now in question was conferred The effect of the word is merely to continue the grant on the terms on which it has heretofore been held, whatever these terms may be.

3 With reference to the remarks in paragraphs 2 to 4 of your letters I am to observe that there is a great and important distinction between grants in perpetuity and hereditary grants dependent on the existence of heirs, and further, that in the special case under reference the grant was made not by a Rajput but by a Mahratta Court

4 There is I am to observe in my previous letter No 403R. dated 14th December 1871, no supposition such as that mentioned in the 5th paragraph of your letter under reply that Scindia s Sanad in this particular case required a payment from the grantee

5 I am further to remark that there is little or no practical distinction between a sale and a mortgage extending for an indefinite period beyond the lives of those having interest in the property so that it would not be reasonable to permit such mortgages as recommended by you, while prohibiting absolute sales To such a ruling the course prescribed by Government is undoubtedly to be preferred, not only on the ground of expediency but also on that of liberality So long as a contingent liability to resumption remains there is a necessity for Government Officers enquiring into the private affairs of Inamdars It is the object of Government to get rid for ever of the liability to resumption, and to permit unreserved sale or mortgage in return for a quit rent of one fourth of the ordinary assessment and His Excellency in Council considers it advisable to offer these terms in cases of the kind referred to in which the land granted is still in possession of the family of the original grantee, and to impose them without offer when the land has been alienated

FORM OF SANAD GIVEN TO ISTIMRARDARS OF AJMERE

*Granted to*__________*Istimrardar of*__________

*in the Parganah of*__________

Whereas the Governor-General of India in Council has been pleased to waive the right of the British Government to enhance the assessment of your estates, and to declare the existing assessment of those estates to be fixed in perpetuity Therefore this Sanad is granted to you, to set forth the conditions in consideration of the true and faithful observance and fulfilment of which by yourself, your heirs, representatives and assigns, the aforesaid concession is made

CONDITION I

The Istimrardar of__________for the time being, holding the Estates specified in Schedule A, hereto annexed, shall at all times remain faithful in all allegiance to Her Majesty Queen Victoria, Her Heirs and Successors, and perform all the duties which, in virtue of such allegiance, may be demanded from him If any question arises as to whether this condition has been faithfully observed, the decision thereon of the Governor-General in Council shall be final

CONDITION II

He shall pay annually to the British Government the sum of Rs.______ at present assessed on the villages of his Estates enumerated in the said Schedule A Such sum shall be payable by such instalments, and on such days, as are set forth in Schedule B

CONDITION III.

If, at any time, water be taken for the irrigation of any portion of his estates from any canal or irrigation work, constructed or maintained at the expense of Government, he shall, in addition to the aforesaid assessment, pay such water-rate as Government may, from time to time, determine.

N B —As to the Ajmere Istimrari Tenure and the conditions in the Sanads granted to the Ajmere Istimrardar see correspondence ending with letter No 74 R., dated 2nd April 1874, from the Secretary to the Government of India, to the Chief Commissioner Ajmere respectively, in the Commissioner's Office file on the subject.

CONDITION IV.

On the discovery of any mines on his Estates, he shall forthwith make the fact known to Government, and shall, in addition to the assessment aforesaid, pay to the Government such royalty, not exceeding one-half of the net profits, as Government may be pleased to demand

CONDITION V

In addition to the annual amount assessed on his Estates, he shall pay all legal cesses for local works, improvements, schools, police or other purposes, at such rates, and in such manner, as the Government may, from time to time, determine

CONDITION VI

He shall, in accordance with custom, make reasonable provision for the support of such surviving relatives of his immediate predecessor as are hereinafter mentioned, and, in the event of any dispute arising as to such provision, shall conform without objection to the orders he may receive from the Chief Commissioner, or other Principal Officer charged with the administration of Ajmere The relatives above referred to are the following —Grand-parents, parents, widows, brothers sisters, sons whether natural born or adopted, daughters, nephews nieces, and grand children

CONDITION VII

Nazrana on succession shall be paid by the Istimrardar succeeding, in accordance with the following rules —

(a) Nazrana shall not be taken on successions in the direct line, as for example when a natural born son succeeds his father or a grandson his grand father , nor on collateral successions, when the person succeeding is a brother, or descended in the direct line frem a brother

(b) Where a paternal uncle succeeds, Nazrana of half a year's revenue shall be taken

(c) In all other cases, except that of an adopted son being the nephew of his adoptive father, a Nazrana of a year's revenue shall be taken

(*d*) The Nazrana may be paid in such instalments within such period, not exceeding four years, as the Chief Commissioner or other principal officer charged with the administration of Ajmere may direct

(*e*) Notwithstanding anything herein before contained, Nazrana shall not be taken in any case in which the succession shall have occurred within one year next after a succession on which Nazrana shall have been taken

(*f*) If the succession shall have occurred within four years after a succession on which Nazrana shall have been taken the Nazrana shall be remitted to such amount, not exceeding three fourths, as may be directed by the Chief Commissioner or other principal officer charged with the administration of Ajmere

CONDITION VIII

The Istimrardar for the time being shall not, except under the law for the time being in force relative to the acquisition of land for public purposes, alienate his estates or any portion thereof by sale gift or otherwise and he shall not, except by way of giving security for an advance under the Land Improvement Act 1871, or other law for the time being in force relative to the advances of money by Government for agricultural improvement, alienate or charge his estates or any portion thereof by lease, mortgage, or otherwise for any term extending beyond his own life

CONDITION IX

He shall respect and protect the rights of his tenants and cultivators, and shall exert himself to the utmost to improve and extend the cultivation of his estates

CONDITION X

He shall furnish to the Commissioner all statistics and information for which he, under the orders of Government may call, and shall keep up such establishments as may be declared necessary for the preparation of such statistics or for the supply of such information

Condition XI

He shall report all crime occurring on his estates, and assist in its detection, or repression, in such way as he may be directed, he shall not harbour offenders within his estates, and he shall use his best endeavours to preserve order and prevent crime, and whenever called on by the officers of Government for assistance he shall render every aid and assistance in his power

Dated this__________in the year of our Lord________________

Given under my hand and seal, and under the sanction and authority of the Viceroy and Governor General in Council

Chief Commissioner
of Ajmere Meruara

Schedule A

Name of Villages, according to the Revenue Survey book, referred to in Condition I

Schedule B

Instalments and dates on which they fall due referred to in Condition II

Kharif, 1st January	Rs.
Rabi, 1st July	,

Note —The Government of India have ruled that the term ' revenue as used in condition VII of the Istimrari Sanad means the net income of the estate that is the gross receipts less the tribute (*Mamla Sarkari*) payable to Government. *Vide* letter No 29 I dated the 4th January 1895 of the Government of India in the Foreign Department to the address of the Chief Commissioner Ajmere Merwara in connection with the Piplaj succession case.

FORM OF SANAD GIVEN TO ZAILDARS.

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FORM OF SANAD GIVEN TO PATELS.

Since you have with the sanction of Government been appointed a *Patel* in *Mauzah*____________*Tehsil*____________*Zilah*, Ajmere, for the term of the present Settlement, this Sanad is granted to you

1st—You will pay Revenue on your individual holding or share of a holding at a privileged rate

2nd.—It shall be your duty to collect from your constituents the Revenue due on their holdings and pay the sum into the Treasury on or before the date fixed You shall wrong no man nor unduly favor any, but shall collect from each that which is due If at any time negligence in collection is proved you shall be liable to a fine of the whole or a portion of the amount now remitted to you on your holding

3rd—You shall keep an honest and true account of any common receipts and expenditure over which you have charge, and shall cause the *Patwari* to transcribe it

Orders by the Chief Commissioner of Ajmere Merwara.

No $\frac{96}{962}$ IV Dated Abu, 26th January 1892

READ—

Section 106 of the Ajmere Land and Revenue Regulation II of 1877, regarding the erection and repair of Boundary marks

READ—

Section 434 Indian Penal Code, prescribing the punishment to be awarded for mischief by destroying or moving, &c, a landmark fixed by public authority

READ—

Correspondence connected with the same subject ending with Circular No $\frac{619}{1}$-12, dated 10th March, 1892, issued by the Secretary to the Government of India in the Revenue and Agricultural Department

READ—

Rules 45 *(f)* 47 c *(c)* and 48 *(e)* of the Revenue Rules issued under Chief Commissioner's Notification No $\frac{119}{888}$, dated 6th February 1889 defining the duties of Lambardars, Patwaris and Girdawars regarding the preservation of Boundary and Survey marks.

RESOLUTION —Rules have already been framed for the preservation of Traverse Survey and Boundary marks in the Ajmere and Merwara District and each Wajib ul arz contains a clause providing for the restoration of Boundary, Survey and Plot marks at the cost of the Shamlat It is, however, desirable that the rules in connection with this subject should be more clearly defined and formulated The following rules are accordingly published for general information and guidance —

1 The Assistant Commissioner will be responsible that the map supplied to each village by the Survey Department showing the position of all the Survey marks within the village boundaries is duly preserved

2. All *officers connected with the Land Revenue Administration will take the opportunity afforded by their usual tours to inspect the marks shown on the village maps

(1) * Revenue Extra Assistant Commissioner
(2) Tehsildar
(3) Naib Tehsildar
(4) Girdawar

3 The Patels and Lambardars of each village are primarily responsible for reporting to the Patwari of their circle the destruction, or removal of, or injury to, any boundary or other marks erected within the village limits by order of Government

The other proprietors of the village shall be bound to report to the Patels and Lambardars the destruction, or removal of or injury to, any such marks should it come to their knowledge

On failure of the Patels Lambardars, or other proprietors of a village to report the destruction, or removal of, or injury to any such mark they will be liable to a fine not exceeding Rs 10, which will be recovered as *arrears of Land Revenue*

4 In cases where any mark made by the Survey party to facilitate drawing boundary lines has been accidentally damaged it shall be restored at the joint expense of the villages within which it is situated, but if it is proved that a particular person has purposely damaged or destroyed a mark it shall be restored at his sole cost, and he shall be liable to prosecution under section 434 of the Indian Penal Code

Plot marks for Field Survey

5 The village community is responsible for the preservation of Plot marks made for Field Survey The cost of repairing such marks shall be defrayed by the person proved to have injured it, but if it be accidentally injured the cost shall be defrayed by the Shamlat

6 A Revenue Officer may, by a notice in writing, require any person liable for the revenue of any land or entitled to hold such land free of revenue, to erect boundary marks sufficient for defining the limits of such land, or to repair any such boundary marks already existing, and if such person fails to comply with his requisition within a period to be specified in such notice, may cause the work to be done and recover the cost thereof as if it were an arrear of revenue due in respect of such land

7 Any injury to Survey marks within the Forest areas and the cause thereof so far as can be ascertained will be reported by the Forest Guard in charge of the beat to the Forester of his circle who after verifying the

correctness of the statement will immediately report the facts to the Forest Ranger or in his absence to the Extra Assistant Conservator of Forests The Extra Assistant Conservator of Forests will submit a report on the condition of the marks in the Forest areas within his jurisdiction to the Assistant Commissioner concerned on the 1st of March every year and any requisite repairs will be executed through the Forest Department at the expense of the Shamlat or Government as may be decided after considering the circumstances of the case

8 Each Patwari will at the time of Girdawari inspect all the marks within the limits of the village and will submit a report as to their condition He will correct in pencil any error he may find in the village map in regard to the Survey mark after making a note thereof in the Khasra and report the same to the Girdawar

This report after being verified by the Girdawar of the circle shall be embodied in a general report to be prepared by that official for his circle

9 The Girdawar will submit his report by the 1st March every year to the Tehsildar who after satisfying himself of its correctness will incorporate it in his report for submission by the 15th March to the Revenue Extra Assistant Commissioner The latter officer will submit the report with his remarks and recommendations to the Assistant Commissioner by the 20th March

10 The Collector will specially notice the condition of the Survey and Boundary marks in a separate paragraph of his Annual Revenue Administration Report

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ORDER —Ordered that this Resolution be communicated to all the Revenue Officers in Ajmere and Merwara and that translations in Urdu and Hindi be freely distributed to Patels Lambardars Patwaris Supervisors and others concerned for information and guidance

Ordered also that copies of the Resolution be submitted for the information of the Government of India in the Revenue and Agricultural Department with reference to their Circular No $\frac{410-12}{6}$, dated the 10th March 1892

RULES FOR THE CONDUCT OF EXPERIMENTAL CROP-CUTTINGS IN AJMERE-MERWARA.

(Sanctioned in Chief Commissioner's letter No $\frac{1132}{881}$ dated 23rd Sept 1893)

Assistant Commissioners are expected to arrange for the making each year of from 10 to 15 crop experiments, by themselves or the Revenue Extra Assistant Commissioner, in respect of the following four crops After crops shall be experimented with as well as sole crops

Kharif	Rabi
Cotton	Barley
Jowar	
Maize	

2. By far the most important part of the experiment is the selection of the field to be cut, which should be representative of as large an area as possible, and should not be in appearance either above or below the average for the season on its class of land The value of each experiment depends on the extent to which its results are typical, and care should be taken to ensure that each crop cut is of about the average for its class If for instance a barley field of *chahi* land is selected, its crop should be fairly representative of the season's barley crop on *chahi* land In cases where a whole field conveniently situated cannot be found bearing a representative crop, it will generally be possible to select a portion of a field as typical of the season.

3 Experiments are not ordinarily to be made by officers of a lower rank than the Revenue Extra Assistant Commissioner When it is proposed to employ an officer of lower rank the previous sanction of the Commissioner must be obtained The Patwari and Girdawar of the circle must invariably be present during the conduct of a crop experiment to supply all necessary information regarding land classification rent, &c, and furnish any survey appliances which may be required

4 Except in the case of cotton, the area cut should be invariably one-tenth of an acre that is to say a square chain which can be easily laid out on

the ground with a chain and cross staff In the case of a cotton crop the area selected for the first picking must be such as can be easily identified at the time of the subsequent pickings and should be carefully marked on the ground when the area experimented with is not marked off as one tenth of an acre It should of course be measured at the time of experiment and its area (in acres) be calculated

5 *It is essential that the whole of the harvesting* operations be con ducted in the presence of the officer experimenting and the crop must not therefore be cut till completely ripe, when it can be threshed out by manual labor without much difficulty

6 In the case of cotton the instruction of the preceding paragraph may be relaxed and if the first picking has been conducted in the presence of the officer initiating the experiment subsequent pickings may be carried out in the presence of another officer, whose grade should, however, not be below that of Girdawar

7 The out turn or yield given should be in all cases that of the main product of the crop (*e g* grain whether husked or unhusked as distinct from straw, and cleaned cotton as distinct from cotton seeds.) If any estimate can be made of the out turn of bye products (*e g* straw and fodder) their weight should be entered in the return below the estimate of the main product but if the weighment of the bye products occasions much trouble they can be disregarded

8 The out turn must invariably be returned by weight as calculated by the use of steel yards supplied by the Commissioner

9 The out turn must be reduced to its ordinary marketable form be fore weighment An accurate description of the actual product which was weighed should be given in every instance.

10 The cultivator whose crop is cut should not be allowed to suffer any loss by the experiment and the whole of the produce should be made over to him It may on occasion be well to make him a small present by way of compensation for any trouble which *the cutting may have occasioned* him or by way of acknowledgment of any assistance he may have rendered

11 The results of the experiment should be reported to the Commis sioner by the 1st of June of each year in the form appended.

12 The cost of conducting these experiments should be trifling. Funds to meet it can if necessary be allotted by the Commissioner

Annual return ng the year ending ______________ 189 .

NAME OF CR	WEIGHT OF OUT TURN					Note of any d
	If Crop Cotton					
	picking			Rem		
	bs	lbs	lbs	this area in annas per rupee		
1	19	20	21	22	23	24

LAND IMPROVEMENT LOANS ACT No XIX OF 1883

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL

(Received the assent of the Governor General on the 12th October 1883)

An Act to consolidate and amend the law relating to loans of money by the Government for agricultural improvements

Whereas it is expedient to consolidate and amend the law relating to loans of money by the Government for agricultural improvements It is hereby enacted as follows —

1. (*1*) This Act may be called the Land Improvement Loans Act 1883 Short title

(*2*) It extends to the whole of British India but shall not come into force in any part of British India until such date as the Local Government with the previous sanction of the Governor General in Council may by notification in the local official Gazette appoint in this behalf Local extent Commencement

2 (*1*) The Land Improvement Act 1871 and Act XXI of 1876 (*An Act to amend the Land Improvement Act* 1871) shall except as regards the recovery of advances made before this Act comes into force and costs incurred by the Government in respect of such advances be repealed Acts XXVI of 1871 and XXI of 1876 repealed

(*2*) When in any Act Regulation or Notification passed or issued before this Act comes into force reference is made to either of those Acts the reference shall so far as may be practicable be read as applying to this Act or the corresponding part of this Act

3 In this Act Collector means the Collector of land revenue of a district or the Deputy Commissioner or any officer empowered by the Local Government by name or by virtue of his office to discharge the functions of a Collector under this Act "Collector" defined

4 (*1*) Subject to such rules as may be made under section 10 loans may be granted under this Act by such officer as may from time to time be empowered in this behalf by the Local Government for the purpose of making any improvement to any person having a right to make that improvement or, with the consent of that person to any other person Purposes for which loans may be granted under this Act

(2) "Improvement" means any work which adds to the letting value of land, and includes the following, namely —

(a) The construction of wells, tanks and other works for the storage, supply or distribution of water for the purposes of agriculture, or for the use of men and cattle employed in agriculture,

(b) The preparation of land for irrigation,

(c) The drainage, reclamation from rivers or other waters, or protection from floods or from erosion or other damage by water, of land used for agricultural purposes or waste land which is culturable,

(d) The reclamation, clearance, enclosure or permanent improvement of land for agricultural purposes,

(e) The renewal or reconstruction of any of the foregoing works, or alterations therein or additions thereto, and

(f) Such other works as the Local Government, with the previous sanction of the Governor General in Council, may, from time to time, by notification in the local official Gazette, declare to be improvements for the purposes of this Act

Mode of dealing with applications for loans

5 (1) When an application for a loan is made under this Act, the officer to whom the application is made may, if it is in his opinion, expedient that public notice be given of the application publish a notice, in such manner as the Local Government may, from time to time, direct, calling upon all persons objecting to the loan to appear before him at a time and place fixed therein, and submit their objections

(2) The officer shall consider every objection submitted under sub section (1), and make an order in writing either admitting or overruling it

Provided that, when the question raised by an objection is, in the opinion of the officer, one of such a nature that it cannot be satisfactorily decided except by a Civil Court, he shall postpone his proceedings on the application until the question has been so decided

Period for repayment of loans

6 (1) Every loan granted under this Act shall be made repayable by instalments (in the form of an annuity or otherwise), within such period from the date of the actual advance of the loan, or, when the loan is advanced in

instalments, from the date of the actual advance of the last instalment, as may, from time to time, be fixed by the rules made under this Act

(2) The period fixed as aforesaid shall not ordinarily exceed thirty-five years

(3) The Local Government and Governor-General in Council, in making and sanctioning the rules fixing the period, shall, in considering whether the period should extend to thirty-five years, or whether it should extend beyond thirty-five years, have regard to the durability of the work for the purpose of which the loan is granted, and to the expediency of the cost of the work being paid by the generation of persons who will immediately benefit by the work

7 (1) Subject to such rules as may be made under section 10 all loans granted under this Act, all interest (if any) chargeable thereon, and costs (if any) incurred in making the same, shall, when they become due, be recoverable by the Collector in all or any of the following modes, namely — Recovery of loans

(a) From the borrower—as if they were arrears of land revenue due by him

(b) From his surety (if any)—as if they were arrears of land revenue due by him,

(c) Out of the land for the benefit of which the loan has been granted—as if they were arrears of land revenue due in respect of that land,

(d) Out of the property comprised in the collateral security (if any) —according to the procedure for the realization of land-revenue by the sale of immoveable property other than the land on which that revenue is due

Provided that no proceeding in respect of any land under clause (c) shall affect any interest in that land which existed before the date of the order granting the loan, other than the interest of the borrower, and of mortgagees of, or persons having charges on, that interest, and, where the loan is granted under section 4 with the consent of another person, the interest of that person, and of mortgagees of, or persons having charges on, that interest

(2) When any sum due on account of any such loan, interest or costs is paid to the Collector by a surety or an owner of property comprised in any collateral security, or is recovered under sub section (1) by the Collector from

a surety or out of any such property, the Collector shall on the application of the surety or the *owner of that property (as the case may be)* recover that sum on his behalf from the borrower or out of the land for the benefit of which the loan has been granted, in manner provided by sub section *(1)*

(3) It shall be in the discretion of a Collector acting under this section to determine the order in which he will resort to the various modes of *recovery permitted by it*

Order granting loan conclusive on certain points

8 A written order under the hand of an officer empowered to make loans under this Act granting a loan to or with the consent of a person mentioned therein for the purpose of carrying out a work described therein, for the benefit of land specified therein shall for the purposes of this Act be conclusive evidence —

(*a*) That the work described is an improvement within the meaning of this Act,

(*b*) That the person mentioned had at the date of the order a right to make such an improvement, and

(*c*) That the improvement is one benefiting the land specified

Liability of joint borrowers as among themselves

9 When a loan is made under this Act to the members of a village *community or to any other persons on such terms that all of them are jointly* and severally bound to the Government for the payment of the whole amount payable in respect *thereof* and *a statement* showing *the portion* of *that* amount which as among themselves each is bound to contribute is entered upon the order granting the loan and is signed by each of them and by the officer making the order that statement shall be conclusive evidence of the portion of that amount which as among themselves each of those persons is *bound to contribute*

Power to make rules

10 The Local Government with the previous sanction of the Governor General in Council may from time to time by notification in the local official Gazette make rules consistent with this Act to provide for the following matters namely —

(*a*) The manner of making applications for loans,

(*b*) *The officers by whom loans may be granted,*

(*c*) The manner of conducting inquiries relative to applications for loans and the powers to be exercised by officers conducting those inquiries,

(d) The nature of the security to be taken for the due application and repayment of the money, the rate of interest at which, and the conditions under which, loans may be granted, and the manner and time of granting loans,

(e) The inspection of works for which loans have been granted,

(f) The instalments by which, and the mode in which, loans, the interest to be charged on them, and the costs incurred in the making thereof, shall be paid,

(g) The manner of keeping and auditing the accounts of the expenditure of loans and of the payments made in respect of the same, and

(h) All other matters pertaining to the working of the Act

11. When land is improved with the aid of a loan granted under this Act, the increase in value derived from the improvement shall not be taken into account in revising the assessment of land revenue on the land

Exemption of improvements from assessment to land revenue

Provided as follows —

(1) Where the improvement consists of the reclamation of waste land, or of the irrigation of land assessed at unirrigated rates, the increase may be so taken into account after the expiration of such period as may be fixed by rules to be framed by the Local Government, with the approval of the Governor-General in Council

(2) Nothing in this section shall entitle any person to call in question any assessment of land revenue otherwise than as it might have been called in question if this Act had not been passed

12 (1) In the Indian Registration Act, 1877, section 17, clause (l), for the word "certificates" the words "orders granting loans" shall be substituted

Act III of 1877 amended.

(2) In the same Act, section 58 for the words "a certificate" the words "and order" shall be substituted

(3) In the same Act, section 89, first clause,—

(a) For the words "a certificate" the words "a loan," and

(b) For the words "such certificate" the words "his order," shall be substituted

[1] *No 670, dated the 4th November 1877*

The Officiating Chief Commissioner of Ajmere Merwara is pleased to authorise the Assistant Commissioners of Ajmere and Merwara to exercise the powers of a Collector, under Act XXVI of 1871 (Land Improvement Act [ ]) within their respective jurisdictions

CHIEF COMMISSIONER OF AJMERE MERWARA

NOTIFICATION

[3] *No 273-115-II,—Abu, the 20th March 1886*

In exercise of the powers conferred by Section 5 Act XIV of 1874 (the Scheduled Districts Act), the Chief Commissioner of Ajmere-Merwara is pleased, with the previous sanction of the Governor General in Council, to extend Act XIX of 1883 (the Land Improvement Loans Act) to the Scheduled District of Ajmere Merwara, with effect from the 1st of January 1886 [4]

NOTIFICATION

[5] *No 568C—115 II—Camp Uluar, the 5th February 1892*

In supersession of the rules published in this office Notification No 273 -115-II, dated the 20th March 1886, the Chief Commissioner, with the previous sanction of the Governor-General in Council is pleased to make the following rules under the Land Improvement Loans Act 1883, Section 10 —

I—The Chief Commissioner will inform the Commissioner of Ajmere what amount will be placed at his disposal for loans under the Act for each financial year The Commissioner will divide the sum between Ajmere and

[1] See Rajputana Official Gazette, dated 24th November 1877, page 265

[2] The reference is to be read as applying to Act XIX of 1883 See Sec 2 of this Act

[3] See *Gazette of India* part II for 1886, p 157

[4] The Rules published under this Notification have been superseded by those published under Notification No 568 115 II, dated 5th February 1892, printed *infra*

[5] Vide Gazette of India part II for 1892 page 92

Merwara at his discretion and may transfer for expenditure in either of the tracts any part of the amount allotted by him for expenditure in the other But the total expenditure in the two tracts must be kept within the amount assigned by the Chief Commissioner If an additional grant is required application should at once be made for it

II —Subject to the provisions of these rules and within the limits of the funds allotted to them for the purpose any Assistant Commissioner specially empowered by the Chief Commissioner in this behalf may grant loans not exceeding Rs 500 for any one improvement for purposes specified in the Act Loans exceeding Rs 500 for any one work require the sanction of the Com missioner and loans exceeding Rs 5 000 the sanction of the Chief Com missioner The Commissioner or Chief Commissioner may call for such *detailed plans and estimates or such professional opinion with respect to a* project as may seem necessary

III —An application for a loan may be made to any revenue officer of or above the rank of a Naib Tehsildar

IV —The application if made in writing should be as nearly as possible in Form A If an oral application is made the officer to whom it is made shall cause it to be recorded as nearly as possible in that form

V —In respect of every application made under rule III an enquiry shall be made by a revenue officer not below the rank of a Naib Tehsildar or Supervising Kanungo for the purpose of ascertaining the particulars men tioned on the reverse of Form A If in the opinion of the Assistant Com missioner Revenue Extra Assistant Commissioner or Tehsildar it is expedient that public notice of the application should be given under section 5 of the Act he will publish a notice thereof by fixing it up in a conspicuous place in the village or in each village which will be affected by the proposed improvement

VI —When the value of the applicant s interest in the land to be im proved is sufficient to cover the loan collateral security need not be required Personal security may be accepted (*a*) when the sureties are a body of the village residents who bind themselves jointly and severally to the Government for the payment of the whole amount payable in respect of the loan (*b*) in special cases where the Commissioner or Assistant Commissioner for reasons to be recorded by him in writing thinks it desirable Moveable property should rarely be accepted as security

VII.—The date for the repayment of the first instalment shall be fixed with reference to the time when the improvement will begin to yield a return.

VIII. The date for the repayment of the last instalment shall not, without the sanction of the Chief Commissioner, exceed fifteen years from the date on which the loan or the last instalment of it, was advanced. The amount of the instalments shall be fixed with reference to the annual profit likely to accrue from the improvement.

IX.—If the Chief Commissioner has prescribed tables consolidating principal and interest in instalments the repayment of the loan shall be arranged in accordance with those tables. If such tables have not been prescribed, the instalments of principal may be so arranged as to increase approximately in proportion as the charge for interest decreases.

X.—On completion of the enquiry and verification of the security, the officer to whom the application was made may sanction the loan himself if empowered to do so, otherwise he shall forward the application with his report through such channel as the Chief Commissioner may prescribe, to the officer who is empowered to sanction the loan.

XI.—An order granting a loan shall be in Form B hereto annexed and shall be signed by the applicant in token that he understands and agrees to the conditions contained therein. When the sureties (if any) whom the applicant is required to furnish give personal security only, the bond to be executed by them shall be in Form C hereto annexed. When immoveable property is required to be given as collateral security, the security bond shall be in Form D hereto annexed.

XII.—A copy of the order shall be given to the applicant and payment of the loan, or, where the loan is advanced in instalments of each instalment of the loan shall be made at the treasury on its presentation. The Treasury Officer shall send the Tehsildar immediate notice of all payments made.

XIII.—(a) The rate of interest shall be one anna in the rupee, or 6¼ per cent per annum.

(b) But the Chief Commissioner may for special reasons sanction a loan at a lower rate of interest or without interest

(c) If an instalment of principal is not paid when it falls due, the Commissioner may, if he thinks fit, charge interest on it at any rate not exceeding 6¼ per cent per annum, from the date of its falling due to the date of payment.

XIV—The dates for repayment of instalments of a loan should usually be the dates fixed for payment of instalments of land revenue

XV—Instalments may be suspended by order and at the discretion of the Commissioner on proof of failure of crops or other exceptional calamity

XVI—When any portion of a loan made under these rules is found to be irrecoverable, special report shall be made to the Chief Commissioner

XVII—Any revenue officer not inferior in rank to a Naib Tehsildar may at any time enter on and inspect any land for the benefit of which a loan has been granted and any work in progress thereon, or direct any patwari or other subordinate revenue official to inspect such land or work

XVIII.—As soon as may be after a loan has been granted the officer or authority granting it shall cause the patwari of the circle in which the land to be improved is situated to copy into his *roznamcha* so much of the order granting the loan as relates to the amount of the loan the manner in which the loan is to be advanced the nature of the improvement for the purpose of which it has been granted and the time or times by which the whole or parts of the improvement is or are to be completed

XIX—At such intervals as the Chief Commissioner may by general order prescribe in this behalf, the patwari shall submit through the Supervising Kanungo, the Tehsildar, and the Assistant Commissioner to the Commissioner a report as to the expenditure of the loan and the progress of the work for the purpose of which the loan was granted

XX—The Chief Commissioner shall regulate the forms of all returns registers, and accounts relating to advances under the Act

A

Form of Application

Name, residence, etc., of Applicant	Amount of loan required	Nature of security offered	Nature of proposed improvement	Situation of the land	Applicant's rights in the land	Proposed dates of repayment

Applicant's Signature

NOTE—

(1) The State will advance money to landlords and cultivators for the construction of wells or tanks, the reclamation of waste, or any work by which the value of the land will be permanently increased

(2) Application for a loan may be made to the Tehsildar or Naib Tehsildar in the above form, free of stamp duty

(3) The rate of interest will be one pie per rupee per month (i e, 6¼ per cent per annum), and instalments will be distributed over a number of years

(4) If the value of the applicant's interest in the land to be improved is sufficient to cover the loan collateral security will not ordinarily be required When collateral security is required, (a) the personal security of a body of village residents, jointly and severally bound to the Government for the payment of the whole amount payable in respect of the loan or (b) any other approved personal security, or (c) a mortgage of immoveable property, will be accepted

Particulars to be filled in by Inspecting Officers

(REVERSE OF FORM A)

I—Mahal and the field number and area of the land to be improved

II—Status of applicant, that is to say, proprietor or tenant If a tenant, and the landlord's consent is required, whether the landlord consents.*

III—Security—

(1) If the land itself or an interest therein, the value of land, or the nature and value of the interest, as the case may be

* When the loan is applied for by a person who has not the right to make the improvement, the person having that right should give in writing the consent required by section 4 of the Act and the record of his consent should be signed by him and attested by at least two witnesses

(2) If personal, the names and status of the sureties

(3) If property other than the land itself or an interest therein, the nature of the property, the pre-existing encumbrances (if any) thereon, and its value

IV —The improvement—

(1) Its estimated utility and value

(2) Objections, if any, of third parties

(3) Date on which it will begin to yield profit

V —Repayment—

(1) Suitable date for first instalment, with reference to IV (3)

(2) Proposed instalments and period of repayment

VI —Date or dates on which the loan or instalments of it should be received by the applicant

Recommendations of Inspecting Officer after verification of the above in the registration and revenue offices of the tehsil

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FORM B

Order granting a loan under the Land Improvement Loans Act 1883

*To be inserted when the person to whom the loan is made has no right to make the improvement without the consent of another person.

1 The sum of R   is hereby granted to A B son of [* with the consent of C D   the record whereof is hereto annexed] as a loan under the Land Improvement Loans Act, 1883, for the purpose of (*here describe the work to be carried out*) for the benefit of (*here describe the land to be benefited*) subject to the following conditions —

2 The conditions referred to are as follows —

† To be inserted only when the loan is payable in instalments

(*a*) That the amount of this loan shall be paid to the aforesaid A B on the production of this order at the treasury of   † in the instalments and on the dates specified below —

Dates	Instalments

(b) That the amount of this loan with interest chargeable thereon and costs (if any) incurred in the making thereof, shall be repayable to the person named and at the place, on the dates, and by the amounts specified below —

Name	Place	Date	Principal	Interest	Costs (if any)	Total.

(c) That this loan shall be applied solely to the purpose specified above, and that if it shall be proved to the satisfaction of the Commissioner that any part of the loan has been misapplied, the whole amount of the loan shall with such interest as may have become due thereon, as well as costs (if any) be deemed to at once become due

These clauses to be used only when needed

(d) That unless (*here enter any conditions as to the period or periods appointed for commencing or completing the work*) has been commenced by (date) *or* completed by (date)—(as the case may be)— the loan shall be held to have been misapplied

(e) That for the repayment of the loan with interest and costs (if any) due on the same, the immoveable property specified in the margin is in addition to the land for the benefit of which the loan is granted, hypothecated as collateral security to the Government

Note —All immoveable property hypothecated as collateral security, whether by the borrower himself or by a surety or sureties should be specified in the margin of this clause of the order granting the loan and should as well as the land to be improved, be described as nearly as may be in the manner prescribed in section 21 of the Indian Registration Act, 1877

Signature of the Officer granting the loan

I have understood and agreed to the aforesaid terms and conditions.

Signature of the person to whom the loan is granted

FORM C

Security bond to be used when the surety or sureties give or give personal security only

Whereas has on received from the (*here enter name of officer*) an order under the Land Improvement Loans Act, 1883, in virtue of which he is entitled to receive the aggregate

sum of rupees as a loan from the Government for the purpose of (*here describe the work to be carried out*) for the benefit of (*here describe the land to be benefited*) we (*or I*) hereby agree that if the said shall fail to repay any instalment of the said loan, or interest chargeable thereon or costs (if any) incurred in the making thereof, on the date on which it may become due, we (or I) will be jointly and severally liable to the Government for such sum not exceeding as may be necessary to make good the amount which in consequence of his default he may have become liable to pay

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FORM D

Security bond to be used when immoveable property is given as collateral security

Whereas has received from the [*here enter name of officer*] an order under the Land Improvement Loans Act, 1883, in virtue of which he is entitled to receive the aggregate sum of rupees as a loan from the Government for the purpose of (*here describe the work to be carried out*) for the benefit of (*here describe the land to be benefited*), and whereas collateral security for the punctual repayment of the loan according to the terms of the order is demanded from the said ,

* I the said (*or* † I the said and we *or* ‡ we) mortgage to the Government the immoveable property mentioned in the schedule below as a collateral security, and agree that if I fail (*or* the said fails) to repay any instalment of the said loan or interest chargeable thereon or costs (if any) incurred in the making thereof, on the date on which it may become due, it shall be lawful for the Collector to recover from the said property such sum as may be necessary to make good the amount which in consequence of my (*or* the said 's) default may be due, from me (*or* him).

* [illegible]

† To be used when the collateral security belongs wholly to persons other than the borrower

NOTIFICATIONS

[1] *No 858-115 II, Abu, the 9th August 1886*

Orders by the Chief Commissioner of Ajmere-Merwara with regard to the procedure to be adopted under Nos X, XIX and XX of the Rules framed under Act XIX of 1883 (Land Improvement Loans) published in part II of the *Gazette of India* under Notification No 273 115 II, dated 20th March 1886 —[2]

1 Under Rule X the officer to whom an application is made shall forward it with his report to the Commissioner, through the Assistant Commissioner of the District in which is situate the land on which the proposed work is desired to be executed

2 The report required from the Patwari under Rule XIX shall be submitted half yearly after being countersigned by the Tehsildar in proof of its correctness

3 Under Rule XX the following printed and bound registers shall be kept in the forms annexed —

(i) Register of applications for loans

To be kept by all Revenue officers of and above the rank of Tehsildar

(ii) Register of accounts of loans and repayments

To be kept —

(a) For the entire Commissionership by the Sadar wasilbaqi navis,

(b) For each Tehsil by the wasilbaqi navis, the Tehsildar being responsible for all entries being duly made At the time of making the khatauni of each village the wasilbaqi navis shall be responsible to the Tehsildar that the demand is entered in its proper column

Each work for which a separate loan is granted shall be entered on a separate page in the register

(iii) Register of receipts to be given on repayment of loans or instalments.

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(1) Gazette of India for 1886 Part II, page 491
(2) Superseded by No 578C-115 II, dated 5th February 1892, printed *supra* p. 714

To be kept by Tehsildars, who shall give the receipts at the time of repayment.

The number of the receipt shall be entered in column 20 of Register II

(iv) Register of half yearly accounts

To be kept at each Tehsil a copy of these accounts for each work on account of which a loan has been granted shall be submitted to the Assistant Commissioner of the District in which the work is situate and shall be filed in his office

(v) Register containing an abstract of half yearly accounts (by Tehsils and Districts)

To be kept by each Tehsildar, who shall submit to the Assistant Commissioner of his District a copy of the abstract of the accounts for his whole Tehsil

Each Assistant Commissioner shall submit to the Commissioner a similar abstract for the whole of his District

(vi) Register containing an annual statement of loans and repayments

Copy to be submitted by the Commissioner to the Chief Commissioner with the annual report



REGISTER I

(Prescribed by Chief Commissioner's Order No. 858 115-II, dated 9th August 1886)

Register of applications for loans under the Land Improvement Loans Act, XIX of 1883

(To be kept by all Revenue Officers of and above the rank of Tehsildar)

Serial Number	Name of applicant with caste and parentage.	Residence showing Village, Tehsil, and District.	Name of Village, Tehsil and District in which the land to be improved is situated	Description of land to be improved	Nature and description of security offered	Date of receipt of application	Number and date of order: Sanctioning loan.	Number and date of order: Refusing loan	Amount sanctioned and whether payable in lump or in instalments	Dates and amounts of repayments of First instalment (including interest): Year	First instalment: Kharif	First instalment: Rabi	Last instalment (including interest): Year	Last instalment: Kharif	Last instalment: Rabi	Serial No in Register II.	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
									R		R	R		R	R		

REGISTER II.

(PRESCRIBED BY CHIEF COMMISSIONER'S ORDER NO 858-115-II, DATED 9TH AUGUST 1886)

Register of accounts of loans and repayments under the Land Improvment Loans Act, XIX of 1883

(To be kept (*a*) for the entire Commissionership by the sadar wasilbaqi navis, (*b*) for each Tehsil by the wasilbaqi-navis)

						DATE AND AMOUNT ADVANCED		DATES AND AMOUNTS OF REPAYMENTS OF INSTALMENTS DUE (INCLUDING INTEREST)							DATES AND AMOUNT OF REPAYMENTS MADE (INCLUDING INTEREST)									
									Kharif			*Rabi*												
Serial No	No in Register I	Name of applicant with caste and parentage	Residence showing village, Tehsil and District	Name of village, Tehsil and District in which the land to be improved is situated	Total amount sanctioned	Date	Amount	Year	Demand on account of current harvest	Outstanding balances from previous harvests	TOTAL	Demand on account of current harvest	Outstanding balances from previous harvests	TOTAL	Date	Kharif	Date	Rabi	No in Register III	Balance due at kharif, i e, difference of columns 12 and 17	Balance due at Rabi, i e, difference of columns 15 and 19	Total balance due, i e, total of columns 21 and 22	Total amount of advances outstanding at end of year including present year but not including interest	REMARKS
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25
					R		R		R	R	R	R	R	R		R		R		R	R	R	R	

(Counterfoil). REGISTER III.

(Prescribed by Chief Commissioner's Order No 858 115 II, dated 9th August 1886

Register of receipts to be given on repayments of loans or instalments under the Land Improvement Loans Act, XIX of 1883

(To be kept by Tehsildars)

No ______

Date ______ *18* ____

Received from * ______

______

Amount R____ { Principal R____ / Interest R____ }

No of instalment______

Situation of work to which this relates______

______

______

TOTAL AMOUNT RECEIVED TO DATE, INCLUDING PRESENT PAYMENT } R____

Tehsildar

REGISTER III.

(Prescribed by Chief Commissioner's Order No 858 115 II, dated 9th August 1886)

Register of receipts to be given on repayments of loans or instalments under the Land Improvement Loans Act, XIX of 1883

No ______ *Dated* ______ *18* ____

Received from * ______

the sum of Rupees______annas______and pies______only, being

the______th instalment towards repayment of the loan granted for †______

______

______

R____ { Principal R____ / Interest R____ }

TOTAL AMOUNT RECEIVED TO DATE, INCLUDING PRESENT PAYMENT } R____

Tehsildar

______ a Register II. † Enter nature and situation of work.

REGISTER II

(PRESCRIBED BY CHIEF COMMISSIONER'S ORDER No 858-115-II, DATED 9TH AUGUST 1886)

Register of half yearly accounts of loans granted under the Land Improvement Loans Act, XIX of 1883, for half year ending on ______ 18

(To be kept at each Tehsil A copy of these accounts for each work for which a loan has been granted to be submitted to the Asstt. Comr)

Serial Number	Name of village of person to whom loan is granted	Name caste, and parentage of such person	No in Register II	Nature and situation of work	Nature of security given	No and date of order sanctioning loan	Total amount sanctioned	Total amount advanced to end of half year ending 18	Amount to be advanced during present half year ending 18	REPAYMENTS.														REMARKS
										Total amount that should have been repaid up to end of half year ending 18			Total amount repaid up to end of half year ending 18			Balance due at end of half year not including interest, i e, difference of columns 11 & 14	Balance due at end of half year including interest i e, difference of columns 13 and 16	Amount repayable during present half year ending 18						
																		Excluding column 18			Including column 18			
										Principal	Interest.	TOTAL	Principal	Interest	TOTAL.			Principal	Interest	TOTAL.	Principal	Interest	TOTAL.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25
							R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	

TEHSIL,

Dated *Tehsildar*

REGISTER V

(Prescribed by Chief Commissioner's Order No 858 115-II, Dated 9th August 1886)

Abstract of half yearly accounts (by Tehsils and Districts) of loans granted under the Land Improvement Loans Act, XIX of 1883

(To be prepared —(1) by Tehsils and submitted to Assistant Commissioners, (2) by Districts by Assistant Commissioners and submitted to Commissioner)

Total amount advanced in previous half years commencing 18	Amount advanced during half year ending 18	Total amount advanced.	Demand							Collections during half year ending 18			Balance due i e difference of columns 10 and 13	Total amount of collections including columns 11 and 12			Amount of advances outstanding at end of half year ending 18 i e, difference of columns 3 and 15	Remarks
			Balance due from previous half year			For half year ending 18												
			Principal.	Interest.	Total.	Principal.	Interest.	Total.	Grand Total.	Principal.	Interest.	Total.		Principal	Interest.	Total.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	

Dated 18

Tehsildar (by Tehsils)

Assistant Commissioner (by Districts)

REGISTER VI.

(Prescribed by Chief Commissioner's Order No 858-115-II, dated 9th August 1886)

Annual Statement of loans and repayments under the Land Improvement Loans Act, XIX of 1883, for the year ending 18 18 .

(To be submitted by Commissioner to the Chief Commissioner with the Annual Report.)

District	Total amount advanced in previous years commencing 18	Amount advanced during year ending 18	Total amount advanced	Demand of 18 18			Collections of 18 18			Balance due i e, difference of columns 7 and 10	Total collections including columns 8 and 9			Amount of advances outstanding at end of year 18 18, i e, difference of columns 4 and 12	Remarks
				Principal	Interest	Total	Principal	Interest	Total		Principal	Interest	Total		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
	R	R	R	R	R	R	R	R	R	R	R	R	R	R	
Ajmere															
Merwara															
Total															

Dated 18

Commissioner

[1] *No 1263 115 II, Abu, the 31st October 18*

In exercise of the powers conferred upon him by section 11 of Act XIX of 1883 (The Land Improvement Loans Act), the Chief Commissioner, with the approval of the Governor-General in Council, is pleased to frame the following rules for the temporary exemption of improvements from assessment to land revenue in cases where the improvement is made with the aid of a loan under the said Act, and consists of reclamation of waste land, or of the irrigation of land assessed at unirrigated rates —

These rules shall come into force, with effect from the 1st November, 1891.

Rule 1 —*Reclamation of Waste Land* —When land is reclaimed from waste with the aid of a loan granted under Act XIX of 1883, and is brought under cultivation, the increase in value derived from the improvement shall not be taken into account in revising the assessment of land revenue on the land until the expiration of a period of five years, reckoned from the beginning of the harvest first reaped after such reclamation was effected

2 *Improvement by Irrigation* —When land assessed at unirrigated rates is improved by irrigation with the aid of a loan granted under Act XIX of 1883, the increase in value derived from the improvement shall not be taken into account in revising the assessment of land revenue on the land —

(*a*) If the irrigation is provided by the construction of a new well—until the expiration of twenty years, reckoned from the beginning of the harvest first reaped after such improvement was effected,

(*b*) If the irrigation is provided by the construction of a distributary—until the expiration of a period of five years reckoned as in Clause (*a*) of this rule directed, or

(*c*) If the irrigation is provided by any means other than those hereinbefore in (*a*) and (*b*) specified—until the expiration of a period of ten years, reckoned as in Clause (*a*) of this rule directed

3 Nothing in these rules shall be understood as limiting the powers of the Chief Commissioner in any case to give more liberal terms to persons who make improvements than are herein detailed or as depriving any landowner or lessee of any remission or favourable assessment to which he may be entitled under the terms of any existing agreement or unexpired settlement

(1) Gazette of India for 1891, Part II, page 855

LAWS REGULATION No. III OF 1877.

A Regulation to declare and amend the law in force in Ajmere and Merwara.

(Published in the Gazette of India, 1877, Part I, p 636, and in the Rajputana Official Gazette, 1878, p. 45)

WHEREAS it is expedient to declare and amend certain portions of the law in force in Ajmere and Merwara, It is hereby enacted as follows:— Preamble

CHAPTER I

PRELIMINARY AND GENERAL.

1. This Regulation may be called the Ajmere Laws Regulation, 1877. Short title.

It extends to the territories now under the administration of the Chief Commissioner of Ajmere, and to which the provisions of the 33rd of Victoria, cap. 3, section 1, [a] have been applied; Local extent.

And it shall come into operation on such date [b] as the said Chief Commissioner, with the previous sanction of the Governor-General in Council, may, by a notification in the Gazette of India, direct. Commencement.

2 On and from such date the following shall be repealed, that is to say.— Repeal of enactments.

(a) All Bengal Regulations except the Regulations referred to in section 3 of this Regulation,

(b) All Acts of the Governor-General in Council which do not expressly, or by necessary implication, extend to the said territories or any part thereof, and may not prior to the said date, and in exercise of a power conferred by an Act of the Governor-General in Council, have been extended thereto or declared to be in force therein,

(c) All rules, regulations and enactments, not being Statutes, Bengal Regulations, Acts of the Governor-General in Council, Regulations enacted under the 33rd of Victoria, cap 3, section 1, [a] or rules or regulations made in exercise of a power conferred by any Statute or by any such Regulation or Act,

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[a] *Printed in the Collection of Statutes relating to India, Ed 1881, Vol. II, p. 878.*
[b] The 1st January, 1878—see Rajputana Official Gazette, 1877, p 290.

(d) The enactments specified in the first schedule hereto annexed, to the extent mentioned in the third column thereof

Saving

But nothing contained in this section shall affect anything done, or any offence committed, or any fines or penalty incurred, or any proceedings commenced before the said date

Regulations to be deemed to be in force

3 The Regulations specified in the second schedule hereto annexed shall be deemed to be in force throughout the said territories to the extent mentioned in the third column of the said schedule

But the powers and functions incident to the operation of the said Regulations, so far as such powers and functions are referred to in the fourth column of the said schedule, shall be exercised and discharged by the authority mentioned in that column

Rules of decision in cases of certain classes

4 In questions regarding succession special property of females betrothal, marriage dower, adoption, guardianship minority, bastardy family relations wills legacies gifts partitions, or any religious usage or institution, the rule of decision shall be the Mohammedan law in cases where the parties are Mohammedans, and the Hindu law in cases where the parties are Hindus, except in so far as such law has been by legislative enactment altered or abolished, or is opposed to the provisions of this Regulation

Provided that when among any class or body of persons or among the members of any family any custom prevails which is inconsistent with the law applicable between such persons under this section and which if not inconsistent with such law, would have been given effect to as legally binding, such custom shall, notwithstanding anything herein contained be given effect to

Rule in cases not expressly provided for

5 In cases not provided for by section 4 of this Regulation or by any other law for the time being in force, the Courts shall act according to justice, equity and good conscience

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CHAPTER II

PRE EMPTION

Right of pre-emption.

6 The right of pre emption is a right of the persons hereinafter mentioned or referred to to acquire, in the cases hereinafter specified, immoveable property in preference to all other persons

7 Unless the existence of any custom or contract to the contrary is proved, such right shall, whether recorded in the settlement-record or not, be presumed :— Presumption as to its existence

(a) To exist in all village-communities however constituted and

(b) To extend to the village-site, to the houses built upon it, to all lands and shares of lands within the village-boundary, and to all transferable rights effecting such lands

8 The right of pre-emption shall not be presumed to exist in any town or any sub-division thereof, but may be shown to exist therein, or in any sub-division thereof, and to be exercisable therein by such persons and under such circumstances as the local custom prescribes Its existence in towns to be proved

9 If the property to be sold or foreclosed is a proprietary tenure, or a share of such a tenure, the right to buy or redeem such property belongs, in the absence of a custom to the contrary,— Devolution of right when property to be sold or foreclosed is proprietary tenure

1st—To co-sharers of such tenure, in order of their relationship to the vendor or mortgagor

2ndly—To co sharers of the whole *mahal* in the same order, and

3rdly—To any member of the village community.

Where two or more persons are equally entitled to such right, the person to exercise the same shall be determined by lot

10 When any person proposes to sell any property or when he forecloses a mortgage upon any property in respect of which any persons have a right of pre-emption, he shall give notice to the persons concerned of the price at which he is willing to sell such property, or of the amount due in respect of such mortgage, as the case may be Notice to pre emptors

Such notice shall be given through the Court or some one of the Courts (where there is more than one such Court) in which, under the law for the time being in force, a suit to recover possession of the property might be instituted, and shall be deemed sufficiently given if it be stuck up on the *chaupal* or other public place of the village or town in which the property is situate

11. Any person having a right of pre-emption in respect of any property proposed to be sold shall lose such right, unless within three months Loss of right of pre emption.

from the date of such notice he or his agent pays or tenders the price aforesaid to the person so proposing to sell

Right of pre-emptor on foreclosure

12 When the right of pre-emption arises in respect of the foreclosure of a mortgage, any person entitled to such right may, at any time within three months after the giving of the notice required by section 10, pay or tender to the mortgagee or his successor in title the amount specified in such notice, and shall thereupon acquire a right to purchase the property

On completion of the purchase, the person exercising the right of pre-emption shall be bound to pay to the mortgagee or his successor in title the amount specified in such notice, together with interest on the principal sum secured by the mortgage, at the rate specified by the instrument of mortgage, for any time which has elapsed since the date of the notice, and any additional costs which may have been properly incurred by the mortgagee or his successor in title

Suit to enforce right of pre-emption.

13 Any person entitled to a right of pre-emption may bring a suit to enforce such right on any of the following grounds, namely —

(a) That no due notice was given as required by section 10 of this Regulation,

(b) That tender was made under section 11 or section 12 of this Regulation, and refused,

(c) In the case of a sale that the price stated in the notice was not fixed *in* good faith,

(d) In the case of a mortgage, that the amount claimed by the mortgagee was not really due on the footing of the mortgage and was not claimed in good faith, and that it exceeds the fair market value of the property mortgaged

If, in the case of a sale, the Court finds that the price was not fixed in good faith, the Court shall fix such price as appears to it to be the fair market value of the property sold

If in the case of a mortgage, the Court finds that the amount claimed by the mortgagee was not really due on the footing of the mortgage, and that it was not claimed in good faith, and that it exceeds the fair market-value of the property mortgaged the amount to be paid to the mortgagee shall not exceed what the Court finds to be such market-value.

14 If the Court find for the plaintiff, the decree shall specify a day on or before which the purchase money or the amount to be paid to the mortgagee shall be paid

Decree to fix *time for* payment

15 If such purchase money or amount is not paid into the Court before it rises on that day, the decree shall become void, and the plaintiff shall, so far only as relates to such sale or mortgage, lose his right of pre emption over the property to which the decree relates

Effect of non payment of purchase money

CHAPTER III

Criminal Law and Police

16 When an offence has been or may reasonably be supposed to have been committed, whether within or beyond British territory, and whether by British subjects or others and the tracks of the persons who may reasonably be supposed to have committed such offence, or of any animal or property reasonably supposed to be connected with such offence are followed to a spot within the immediate vicinity of any village the residents of such village shall render every assistance in carrying on such tracks

Villagers to aid in tracking

17 The trackers of the village or locality where the offence was committed and the sufferers from the same shall continue with the trail until the tracks have been acknowledged by some village through the lands of which they pass.

Duty of complainant and his trackers

18 The trackers of each village within the lands of which the tracks are found shall accompany the trail until the tracks have been acknowledged by some village further on in which the said tracks are found

Of other trackers

19 When the tracks cease to be discernible, the trackers then in charge shall proceed at once to the nearest police station, and make a report of the case

Procedure when tracks are lost.

20 If the inhabitants of any village fail to give forthwith the assistance required by section 16 of this Regulation, or if they do not afford full opportunity for search in their houses for the offenders or property, or if it appears that they or any of them were conniving at the offence, or at the escape of the offenders, or at the removal or concealment of the property, and the offenders or the property cannot be traced beyond such village the Magistrate of the district may inflict a fine upon such village not exceeding

Power to fine villager for breach of track law

five hundred rupees, except in the case of property exceeding five hundred rupees in amount or value being stolen, when the fine may be of any amount not exceeding the value of such property

Appeal from order under section 20

21 An appeal shall lie to the Commissioner against every order imposing a fine under section 20 of this Regulation

Award of compensation for injury

22 The Magistrate of the district may direct that the fine imposed under section 20 of this Regulation, or any portion of such fine, be awarded to any person injured by the offence in compensation for such injury

Reward to tracker

Where stolen property is recovered through the agency of a tracker, such property shall not be restored to the owner till he has paid to the tracker such reward, not exceeding one quarter of the value of the property recovered, as the Magistrate of the district may direct

Responsibility of landholders and farmers

23 Landholders and farmers are responsible for maintaining the peace and for apprehending all disturbers of it in their respective estates and farms

and they shall do all in their power to prevent the commission, within their respective estates and farms, of dacoity, robbery, murder, housebreaking, theft and other such offences, and, on the occurrence within such estates and farms of any such offence, shall do their utmost to apprehend the offenders, and shall pursue them if they have fled

Villagers to aid in apprehending offenders

24 Inhabitants of villages through or near which the pursuit may lie shall join in the pursuit and afford all possible assistance towards the apprehension of the offender and the recovery of the stolen property (if any)

Liabilities of villager

25 The inhabitants of a village shall not as a general rule, be bound to make good to any person the loss sustained by him by robbery, dacoity or theft committed within the limits of such village, *but if the inhabitants of* such village be found to have neglected any of the rules laid down in section 23 of this Regulation they shall be liable collectively to pay to such person such sum not exceeding the amount of such loss as the Magistrate of the district may fix with reference to the circumstances of the case, the degree of negligence, and the capabilities of such inhabitants to pay

Lumbardar to keep register of new cattle brought to village

26 The lumbardar of each village, or, where there are several lumbardars, such one of them as the Magistrate of the district may direct, shall keep a register in which he shall enter a description of all new cattle brought to the village, in such form as the Chief Commissioner may, by rule, prescribe.

Every person bringing new cattle to the village shall within twenty four hours of their arrival there, unless prevented by some circumstance beyond his control, take them before the said Lamberdar for registration

Recovery of money paid under award of Court of Vakils

27 When an award is made by the Rajputana Court of Vakils against the British Government on account of fine, blood money or compensation, or otherwise, the Magistrate of the district may, with the previous sanction of the Commissioner, where the amount of the award does not exceed one thousand rupees, and with the previous sanction of the Chief Commissioner where it exceeds that sum, recover the said amount or any part thereof from any person convicted, whether by the said Court or by a Criminal Court in British India, of the offence on account of which such award was made, or from any village or person liable to fine or to the payment of compensation for such offence under section 20 or section 25 of this Regulation

Recovery of fines etc, payable under chapter

28. All sums payable under this Chapter may be recovered by the Magistrate of the district in the manner prescribed for the realization of fines by the Code of Criminal Procedure, 1882 [a]

Indian Penal Code to apply to certain offences

29 The provisions of the Indian Penal Code [b] and the Acts amending it shall apply to every offence committed before the first day of January, 1862, in any part of the territory to which this Regulation extends and which, at the time such offence was committed, was part of British India

Police may apprehend members of armed band

30 The police may apprehend and keep in custody, pending orders from the Chief Commissioner, any person who, there may be reason to believe, belongs to a band of armed men united together for the purpose of committing an offence, whether such offence is to be committed in British territory or elsewhere

Power to invest Istimrardar, etc., with powers of Police officer

31 The Chief Commissioner may invest any Istimrardar or other person with any or all the powers which may be exercised by a Police officer under any Act for the time being in force in the territories to which this Regulation extends, and may prescribe the limits within which such powers may be exercised

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CHAPTER IV

Miscellaneous.

Claims under contracts of dower

32 When any claim is made under a contract of dower entered into by

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a Muhammadan husband, whether such claim is made during his lifetime or after his death, and whether it is a claim made by a plaintiff, or a claim by way of set-off or lien made by a defendant, the Court shall allow such amount only as appears to be resonable with reference to the means of such husband, anything to the contrary in such contract notwithstanding

Amount of interest to be decreed

33 The amount of interest which may be decreed in any suit instituted in any Civil Court for the period prior to the date of the suit shall not exceed the amount of the principal sum of money received by the defendant from the plaintiff or the persons whom the plaintiff represents *

Slaughter of animals and sale of beef

34 The Chief Commissioner may, from time to time, make rules regulating and restricting the slaughter of animals and the sale of beef or other meat

In case of emergency the Magistrate of the district, subject to the control of the Commissioner, may issue orders of a similar nature, to remain in force for any period he may fix not exceeding one month

Sale of flesh, or shooting etc, within limits of any religious place.

35 Where the sale of flesh, or shooting, or killing animals is, at the time this Regulation comes into force, prohibited within the limits of any religious place, by order of the Magistrate of the district with the sanction of the Commissioner, such prohibition shall continue unless or until otherwise ordered by the Chief Commissioner

36 [*Manufacture of salt.*] *Repealed by Act XII of 1882*

37 [*Confiscation of salt manufactured without license*] *Repealed by Act XII of 1882*

Recovery of revenue other than land revenue

38 The Chief Commissioner may, with the previous sanction of the Governor-General in Council, invest any officer by name or office with all or any of the powers conferred by the Ajmere Land and Revenue Regulation, II of

* In the High Court of Judicature for the N W P, Civil side
Dated Allahabad, the 19th January, 1881

PRESENT

[illegible]

Case No 3 of 1880, on

1877 [a] for the recovery of land revenue or for the recovery of any other revenue due to the Government

39 [*Taxation in cantonments*] *Repealed by Act XIII of 1889*

40 In addition to the other matters for which the Chief Commissioner is empowered to make rules by this Regulation, he may, from time to time, make rules as to the following, that is to say — Additional power to make rules.

(*a*) The maintenance of watch and ward and the establishment of a proper system of conservancy and sanitation at fairs and other large public assemblies,

(*b*) The imposition of taxes for the purposes mentioned in clause (*a*) of this section on persons holding or joining any of the assemblies therein referred to,

(*c*) The custody of judicial records civil and criminal, [b]

(*d*) The appointment, duties, punishment, suspension and dismissal of all ministerial officers

41 The Chief Commissioner may, in making any rule under this Regulation attach to the breach of it in addition to any other consequences that would ensue from such breach, a punishment, on conviction before a Magistrate not exceeding rigorous or simple imprisonment for a month, or a fine of two hundred rupees or both Penalty for breach of rules

42 No rule made by the Chief Commissioner under this Regulation shall take effect until it has been sanctioned by the Governor General in Council and published in the Gazette of India Rules to be sanctioned and published

All such rules when so sanctioned and published shall in so far as they are consistent with this Regulation have the force of law Force of rules

FIRST SCHEDULE

ACTS REPEALED

(*See section 2 clause (d)*)

Number and year of enactment.	Title or abbreviated title.	Extent of repeal
Act I of 1847	An Act for the establishment and maintenance of boundary marks in the North Western Provinces	So much as has not been repealed
Act XIX of 1863	Partition of estates	So much as has not been repealed

[a] Printed *supra* p 488
[b] Words repealed by Act III of 1879, s 9, are omitted.

SECOND SCHEDULE. [a]

Regulations in force

(See section 3)

Number and year of Regulation.	Subject.	Extent of operation.	Powers or duties how to be exercised or performed
1	2	3	4
V of 1799	Estates of intestates .	Sections 4, 5, and 6 .	The functions of the Court of *Sadar Diwani* Adalat shall be discharged by the Chief Commissioner
X of 1804	Punishment of State offences by courts martial .	So much as has not been repealed	
XI of 1806 .	Passage of troops	Sections 2 to 6 and section 8, with the exception of such part as authorizes Collectors and their Native officers, or Magistrates and their Police officers, to give their official aid in procuring coolies for the purpose of facilitating the march of troops or the progress of travellers [b]	The powers of the Governor - General in Council and of the Board of Revenue shall be exercised by the Chief Commissioner.
XIX of 1810 .	Endowments, public buildings and nazul property.	So much as is not repealed by Act No XX of 1863	The functions of the Board of Revenue shall be discharged by the Chief Commissioner.

[a] This schedule is repealed, so far as it relates to the following Bengal Regulations, by the enactments noted against each The references to those Regulations have therefore been omitted —

Ben Reg	I of 1798	Reg IX of 1893.
	XVII of 1806	„ IX of 1893.
	XX of 1810	Act. XIII of 1889.
	V of 1817	Reg. IX of 1893.
	VI of 1819	„ IX of 1893.
	XX of 1825	Act X of 1882.

[b] Portion repealed by Reg IX of 1893 (printed *infra*, p. 274) is omitted.

SECOND SCHEDULE—*Continued*

Regulations in force—*Continued*

Number and year of Regulation.	Subject	Extent of operation	Powers or duties how to be exercised or performed
1	2	3	4
XI of 1812	Foreign Immigrants	So much as has not been repealed	The powers of the Nizamat Adalat shall be exercised by the Chief Commissioner
III of 1818	State Prisoners	So much as has not been repealed	
VI of 1825	Supply of troops on the march	The whole	The powers of the Board of Revenue shall be exercised by the Chief Commissioner
V of 1827	Administration of landed property	So much as has not been repealed except the words and figures and clauses 5 and 6 section 16 Regulation III 1803	The powers of the Board of Revenue shall be exercised by the Chief Commissioner

NOTIFICATIONS

[1] *No 732 Ajmere the 4th December 1877*

In exercise of the powers conferred by the *first* section of The Ajmere Land and Revenue Regulation 1877, and by the *first* section of The Ajmere Laws Regulation 1877 respectively the Chief Commissioner of Ajmere with the previous sanction of the Governor General in Council, hereby directs that the said Regulations which were published in the *Gazette of India* of the 3rd November 1877 shall come into operation on the first day of January 1878

[1] Rajputana Official Gazette, 29th December 1877

[1] *No 1249-716, Dated Abu, 12th October 1887.*

The Chief Commissioner of Ajmere-Merwara with the previous sanction of the Governor-General in Council, is pleased to prescribe under section 26 of the Ajmere Laws Regulation (III of 1877), the following as the form of register to be kept by the Lamberdars, of each village, or, where there are several Lamberdars, by such one of them as the District Magistrate may direct, for the registration of all new cattle brought to the village :—

Serial No	Date	Name, parentage, caste, age, and residence of vendor	Name and parentage of purchaser	Number of *cattle sold*	Description of cattle sold	Whence obtained by vendor	Amount of purchase money.			REMARKS
1	2	3	4	5	6	7	8			9
							Rs	A	P	

[2] *No 735, Abu, the 16th July 1889*

In exercise of the power conferred by clause *(d)* of section 40 of the Ajmere Laws Regulation, III of 1877, the Chief Commissioner has, with the previous sanction of the Governor-General in Council, made the following rules for the appointment, punishment, suspension and dismissal of ministerial officers in the Ajmere Commission.

1. All appointments, transfers and promotions in the superior service in the Departments marginally noted, shall be made by the Commissioner, who shall also regulate all transfers not provided for in these rules, and, as District Judge, shall control the process serving establishment.

1 Revenue Department.
2 Judicial Department.
3 Educational Establishment (clerical establishment at head quarters)
4 Sub-Registrar of Assurances.

[1] Published at page 594 of the Gazette of India, Part II, dated 22nd October 1887.
[2] Gazette of India for 1889, Part II, pp. 504 505

2 The Assistant Commissioner of Ajmere shall control in all respects subject to appeal to the Commissioner, appointments in the Excise and Registration Departments, but no order of appointment or of punishment by fine, suspension degradation or dismissal in the case of officials whose monthly salary is Rs. 50 or more, shall take effect without the previous confirmation of the Commissioner

3 The Assistant Commissioners of Ajmere and Merwara may, within their respective districts, fill up vacancies or order transfers among the teaching staff of the district schools and other inferior officials of the Educational Department, on the recommendation of the Inspector of Schools

4 Heads of offices and presiding officers of Subordinate Courts may fill up vacancies in the menial staff placed under their control, whether belonging to the process establishment or otherwise Provided that all orders passed under this rule by the Deputy Magistrate, Kekri, or a Tehsildar, or a Second Class Subordinate Judge (other than the Cantonment Magistrate of Deoli), or a Munsif, shall be subject to the confirmation of the Assistant Commissioner, who shall have power to order transfers in the case of menials other than those belonging to the process establishment except from or to the Courts of Small Causes or of First Class Subordinate Judges or of Cantonment Magistrates.

5 The authorities competent to fill up an appointment shall have power to fine, degrade, suspend or dismiss any incumbent subject to the like sanction or recommendation under which the power of making the appointment is exerciseable under these rules, and subject also to an appeal to the Commissioner, whose order shall be final Provided that the Assistant Commissioners of Ajmere and Merwara the Subordinate Judges of the first class and the Cantonment Magistrates of Nasirabad and Deoli and subject to confirmation by the Court to which appeals from their decrees or orders ordinarily lie, the Courts of lower grades including Honorary Magistrates may subject to appeal to higher authority, fine or suspend officials in the Revenue or Judicial branches acting directly under their orders and drawing pay not exceeding Rs 80 per mensem

NOTE —For the purposes of these rules the District Record Office and the Treasury establishment shall be held to be acting directly under the orders of the Assistant Commissioner of Ajmere

6 The Commissioner may of his own motion or on appeal, revise or modify any order passed by any Court or office subordinate to him

7. All orders passed under these rules shall be reported to the Commissioner for his information at the end of each month

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Supplementary Rules for the Revenue Department

I—In these rules the word "Collector" shall have the same meaning as in the Ajmere Land and Revenue Regulation, II of 1877

II—Appointments, transfers and dismissals of officials of the grade of Supervisor shall be made by the Commissioner, and of officials below that grade by the Collector, whose order shall be subject to appeal to the Commissioner

III In the case of hereditary Supervisors on the occurrence of a vacancy, the heir of the last incumbent shall, if qualified in manner hereinafter provided, succeed Hereditary succession shall be confined to sons grandsons, brothers' sons, and first cousins on the male side

IV—In default of a qualified heir, the appointment shall be filled up as an ordinary vacancy

V—No fresh hereditary rights not now existing shall be allowed to grow up

VI—In filling up vacancies among non hereditary Supervisors, the candidate who is considered best qualified under these rules shall be appointed, preference being given to qualified Patwaris

VII All candidates for Supervisorships must have received a good general education and bear a good character They should also be of a respectable family and physically fit for the performance of their duties

VIII Either before their nomination or within three months of the same all candidates, whether hereditary or otherwise, must pass an examination in the following subjects —

(a) Hindi—reading and writing.

(b) Urdu—reading and writing.

(c) Arithmetic.

(d) English figures.

(e) Plane table survey and computation of areas.

(f) General Revenue Law

(g) Revenue Rules, with special reference to the Patwaris and Supervisors.

IX —No person shall be appointed to a Supervisorship whether hereditary or otherwise until after the expiry of one year of probation In all cases the last appointed person shall come in at the bottom of the list in the lowest grade of Supervisorship

X.—Every person failing to pass the prescribed examination shall except for special reasons to be recorded be removed by the Commissioner

XI —No minor shall under any circumstances be appointed to any Supervisorship

XII —The Collector may on good cause shown fine any Supervisor a sum not exceeding one month s pay or may suspend him for a period of three months.

XIII —The appointment of Patwari is not strictly hereditary but the heir of a deceased Patwari if qualified and if the zamindars of the circle consent to his appointment shall have the preference

XIV —When a Patwari has been dismissed for any fault his heir shall have no preferential claim but the appointment shall be made with the consent of the zamindars of the circle Should they nominate the heir of the dismissed Patwari the Collector shall have the power on grounds to be recorded by him of vetoing the nomination

XV —In case of a dispute as to the nomination of a person for a Patwari s appointment that person shall be considered to be nominated by the circle who is supported by the votes of the zamindars paying the largest aggregate amount of Government revenue Failing any nomination within a reasonable time and after reasonable warning the Collector shall himself nominate a Patwari to the vacant circle

XVI —Subject to the above limitations the nominee of the zamindars of the circle shall if qualified be appointed to the post of Patwari

XVII —No man shall be permanently appointed as Patwari who has not passed an examination in—

(a) Reading and writing Hindi

(b) Arithmetic up to the rule of three

(c) Surveying by plane table

(d) Patwaris rules

XVIII —Examinations shall be held once in six months before a board of examiners To these examinations shall be admitted—

(a) Persons nominated for the post of Patwari or Naib Patwari,

(b) Candidates who may be either members of the families of any existing Patwari or outsiders Provided that, with respect to these last, if the candidate do not receive an appointment within two years after passing the examination, that examination shall be considered cancelled

XIX —The board of examiners shall be nominated by the Collector, and shall, as a rule, consist of an officer not below the rank of Extra Assistant Commissioner or Deputy Magistrate as president, and a Tehsildar, a Supervisor, and a qualified member of the Educational Department as members

XX —The Collector may, on good cause shown, suspend any Patwari or Naib Patwari for any period not exceeding six months, or fine him a sum not exceeding one month s pay

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NOTIFICATION

[a] *No 910 755, Abu, the 17th August, 1893*

In supersession of all existing rules, orders, and forms in respect of the matter herein provided for, and in exercise of the powers conferred by section 40 (d) of the Ajmere Laws Regulations, 1877, the Chief Commissioner of Ajmere-Merwara, with the previous sanction of the Governor General in Council, is pleased to make the following rules for the guidance of the Nazirs, Naib Nazirs, and Ahlmads of the Courts in the Ajmere Merwara District named in the margin —

1 The Court of District and Sessions Judge
2. ,, ,, ,, ,, Magistrate and Sub-Judge, 1st class, Ajmere
3 ,,
4 ,,
5. ,,
6 ,,
7 ,,
8 ,,
9 ,,
10 ,,
11 ,,
12. ,,
13. ,, ,, ,, ,, ,, ,,
14 ,, Court of Deputy Magistrate, Kekri
15. ,, ,, ,, Cantonment Magistrate, Deoli

1 Unless otherwise expressly provided, the word "Nazir," as used in these rules, shall include the Ahlmad of a court to which a Nazir or a Naib Nazir is not attached

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[a] Gazette of India for 1893, Part II, p 692

2. For the purpose of these rules, the District Nazir shall be deemed to be the Nazir attached to the courts at Ajmere, including the court of the Tehsildar and the Naib Tehsildars of Ajmere and the courts of the Honorary City Magistrates.

3 The Nazir of each court shall keep the following registers —

		Form
I	Civil deposits	B
II	Repayment of civil deposits	BB
III	Criminal deposits	C
IV	Repayment of criminal deposits	CC
V	Revenue deposits	D
VI	Repayment of revenue deposits	DD
VII	Fine and penalty register	E
VIII	Register of forfeitures	F
IX	Register of miscellaneous receipts	G
X	Register of payments into treasury	H
XI	Register of deposits of expenses of witnesses in criminal cases	I
XII	Register of payment of expenses to witnesses in criminal cases	II
XIII	Register of deposits of expenses of witnesses in civil cases	J
XIV	Register of payment of expenses to witnesses in civil cases	JJ
XV	Daily cash book of receipts and disbursements	K

4 A monthly abstract of the Deposit Registers (Forms B C and D) showing the items remaining undisposed of for more than six months, shall be submitted by the Nazir for the orders of the court concerned

5 The register of payments into the Treasury (Form H) shall be kept in duplicate (counterfoil) The duplicate copy shall accompany the remittance to the Treasury

Note 1—This rule shall not apply to courts situate at places where no Government Treasuries exist

Note 2—Form H shall be kept in English

6 The District Nazir or the Nazir shall endorse on the original writ or order of the court the number and date of each payment into the Treasury (as borne on the Register appertaining to the transaction) such endorsement being countersigned by the Treasurer

Rules relating to unclaimed property

7 A register of unclaimed property shall be kept by the Nazir attached to the court of a District Magistrate in Form A hereto annexed

XVIII —Examinations shall be held once in six months before a board of examiners To these examinations shall be admitted—

(*a*) Persons nominated for the post of Patwari or Naib Patwari,

(*b*) Candidates who may be either members of the families of any existing Patwari or outsiders Provided that, with respect to these last, if the candidate do not receive an appointment within two years after passing the examination, that examination shall be considered cancelled

XIX —The board of examiners shall be nominated by the Collector, and shall, as a rule, consist of an officer not below the rank of Extra Assistant Commissioner or Deputy Magistrate as president, and a Tehsildar, a Supervisor, and a qualified member of the Educational Department as members

XX —The Collector may, on good cause shown, suspend any Patwari or Naib Patwari for any period not exceeding six months, or fine him a sum not exceeding one month s pay

NOTIFICATION

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1 The Court of District and Sessions Judge
2 ,, ,, ,, ,, Magistrate and Sub Judge, 1st class Ajmere.
3 ,,
4 ,,
5 ,,
6 ,,
7 ,,
8 ,,
9 ,,
10 ,,
11 ,,
12 ,,
13 ,, ,, ,, ,, ,, ,, ,,
14 ,, Court of Deputy Magistrate Kekri
15. ,, ,, ,, Cantonment Magistrate, Deoli

1 Unless otherwise expressly provided, the word "Nazir," as used in these rules, shall include the Ahlmad of a court to which a Nazir or a Naib Nazir is not attached

[a] Gazette of India for 1893 Part II, p 692

FORM A.

Register of unclaimed property found in the district of $\frac{\text{Ajmere}}{\text{Merwara}}$ during the year

			Particulars of property.		Perishable property sold			Property, if any, sold to defray expenses, etc.		Net amount transferred to criminal deposits.					How disposed of.													
																					Signature of		Restored to claimant.					
Serial number.	Name of police station and abstract of police report.	Date of receipt of property.	Cash.	Other property.	Particulars.	Amount realized	Expenses incurred on account of carriage, etc.	Particulars of property.	Amount realized.	Date	Amount	Signature of Treasurer	Signature of Treasury Officer or Head Ac	Abstract of order of District Magistrate as to disposal of property.	Date of sale by auction	Name of purchaser.	Amount of sale proceeds	Withdrawn from criminal deposits.	Amount credited to Government and date of credit	Amount carried to cash book.	Treasurer	Treasury Officer or Head Accountant.	Date.	Cash by cheque against criminal deposits.	Other property.	Signature of recipient.	Signatures of two witnesses in case recipient is illiterate	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12	13		16	17	18	19	20	21	22	23	24	25	26	27	28	29	30

FORM B

Register of civil deposits for the year

Date of receipt	Annual consecutive number of each deposit	Name of court	Description of case	Name of depositor	Nature of deposit	Amount of deposit	Date of credit into Treasury	Daily total carried to cash book	Signature of Treasurer	Signature of Treasury Officer or Head Accountants according as the amount is over or under Rs 500 — Signature	Signature of Treasury Officer or Head Accountants according as the amount is over or under Rs 500 — Original number of deposit in Treasury register (to be filled in by Head Accountant)	Abstract of order of court for the disposal of deposit	Date of repayment by cheque	Amount of repayment	Signature of recipient or in case of his being illiterate, signatures of two witnesses	Date of repayment by cheque	Amount of repayment	Signature of recipient or in case of his being illiterate, signature of two witnesses			Total of repayments	Lapsed and credited to Government	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19					

FORM BB.

Register showing refunds of civil deposits for the year

Date of repayment	Number of entry in receipt register	Number of entry in Treasury register	Date of receipt of deposit	Date of order of court for re payment	Name of payee	Amount repaid by cheque	Lapsed and credited to Gov ernment	Initials of Nazir	Daily total carried to cash book	Initials of Judge	REMARKS
1	2	3	4	5	6	7	8	9	10	11	12

FORM C.

Register of criminal deposits for the year

Annual consecutive number of each deposit.	Name of court.	Description of case.	Name of depositor	Nature of deposit.	Amount of deposit.	Date of credit into Treasury	Daily total carried to cash book	SIGNATURE OF			Abstract of order of court for the disposal of deposit	Date of repayment by cheque	Amount of repayment	Signature of recipient or, in case of his being illiterate, signature of two witnesses	Date of repayment by cheque	Amount of repayment.					Total of repayments	Lapsed and credited to Government	REMARKS
								Treasurer.	TREASURY OFFICER OR HEAD ACCOUNTANT, ACCORDING AS THE AMOUNT IS OVER OR UNDER Rs 500														
									Signature	Original number of deposit in Treasury register (to be filled in by Head Accountant).													
2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18							

FORM CC

Register showing refunds of criminal deposits for the year

Date of repayment	Number of entry in receipt register	Number of entry in Treasury register	Date of receipt of deposit.	Date of order of court for repayment	Name of payee	Amount repaid by cheque	Lapsed and credited to Government	Initials of Nazir	Daily total carried to cash book	Initials of Sessions Judge or Magistrate	REMARKS
1	2	3	4	5	6	7	8	9	10	11	12

FORM D.

Register of Revenue Deposits for the year

Date of receipt	Annual consecutive number of the deposit.	Name of court.	Description of case.	Name of depositor.	Nature of deposit.	Amount of deposit.	Date of credit into Treasury.	Daily total carried to cash book.	SIGNATURE OF Treasurer.	SIGNATURE OF Treasury Officer or Head Accountant according as the amount is over or under Rs. 500: Signature	SIGNATURE OF Treasury Officer or Head Accountant according as the amount is over or under Rs. 500: Original number of deposit in Treasury register (to be filled in by Head Accountant)	Abstract of order of court for the disposal of deposit	Date of repayment by cheque	Amount of repayment	Signature of recipient, or, in case of his being illiterate, signature of two witnesses	Day of repayment by cheque	Amount of repayment	Signature of recipient, or, in case of his being illiterate, signature of two witnesses				Total repayments	Lapsed and credited to Government	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19						

FORM DD

Register showing refunds of Revenue Deposits for the year

Date of repayment	Number of entry in receipt register	Number of entry in Treasury register	Date of receipt of deposit	Date of order of court for re payment	Name of payee	Amount repaid by cheque	Lapsed and credited to Government	Initials of Nazir	Daily total carried to cash book	Initials of Revenue Officer	REMARKS
1	2	3	4		6	7	8	9	10	11	12

FORM G.

Register of miscellaneous receipts for the year

Date of receipt	Serial No	From whom received	ON WHAT ACCOUNT				Total receipts carried to cash book	Total amount remitted to Treasury and carried to cash book.	Date of remittance to Treasury	SIGNATURE OF		REMARKS
			Copying fees	License fees	OTHER ITEMS					Treasurer	Treasury Officer or Head Accountant according as the amount is over or under Rs 500	
					Particulars	Amount.						
1	2	3	4	5	6	7	8	9	10	11	12	13

FORM H

(To be kept in English)

Register of payments into Treasury

Serial No	Date.	Reference to account register	Particulars	Amount	Remarks
1	2	3	4	5	6

FORM I

Register of deposits on account of expenses of witnesses in criminal cases other than those provided for in Chief Commissioner's Notification No 804 127, dated 29th July 1886

Serial No.	Date of deposit.	Name of court.	Number and description of case	Name of party depositing amount	Amount deposited	Total carried to cash book	Payments.					Remarks
							Date	Amount	Date	Amount		
1	2	3	4	5	6	7	8	9	10	11		

FORM II

Register of payments of expenses to witnesses in criminal cases other than those provided for in Chief Commissioner's Notification No 804 127 dated 28th July 1856

Date of payment	Number of entry in deposit register	Name of court	Number and description of case	Names of witnesses	Rate at which diet allowance paid	Residence	Number of days allowed for journey to and from court	For how many days detained in court	Total of columns 8 and 9	Diet allowance	Travelling expenses	Total of columns 11 and 12	Refund if any made to party depositing and his signature	Initials of officers before whom paid	Daily total carried to cash book	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17

FORM J

Register of deposits on account of expenses of witnesses in civil cases

Serial No	Date of deposit	Name of court	Number and description of case	Name of party depositing amount	Amount deposited	Total carried to cash book	Payments					Remarks
							Date	Amount	Date	Amount		
1	2	3	4	5	6	7	8	9	10	11		

FORM JJ

Register of payment of expenses to witnesses in civil cases

Date of payment	Number of entry in deposit register	Name of court	Number and description of case	Names of witnesses	Rate at which diet allowance paid	Residence	Number of days allowed for journey to and from court	For how many days detained in court	Total of columns 8 and 9	Diet allowance	Travelling expenses	Total of columns 11 and 12	Refund, if any, made to party depositing and his signature	Initials of officer before whom paid	Daily total carried to cash book	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17

FORM

Daily cash book of

Date	Particulars of Receipts				Amount		
		Rs	a	p	Rs	a	p
1st July, 1891.	Opening balance—						
	Permanent advance	50	0	0			
	Other cash ..	10	0	0	60	0	0
	Unclaimed Property—						
	Register No 2	1	8	0			
	Register No 16 ..	2	9	3	4	1	3
	Deposits—						
	Civil ..	200	0	0			
	Criminal .. .	15	0	0			
	Revenue	100	0	0	315	0	0
	Fines and penalties				50	0	0
	Forfeitures				8	12	9
	Miscellaneous receipts . .				9	7	5
	Expenses of witnesses in criminal cases deposited .				10	0	0
	" " in civil cases .				20	0	0
	Pay of establishments ...				1,510	5	4
	Travelling allowance of ditto .				50	0	0
	Contingencies .. .				523	0	0
	Grand Total .				2,566	10	9

Note —Sums for which no separate register has been prescribed in the rules, should

K.

receipts and disbursements

Date	Particulars of Disbursements.	Rs a p	Amount Rs a p
	Unclaimed property credited to—		
	Government (Registers Nos 2 and 10)		4 1 3
	Deposits—		
	Civil	50 0 0	
	Criminal	4 1 3	
	Revenue	60 0 0	114 1 3
	Fines and penalties credited to Government		50 0 0
	Forfeiture ditto		8 12 9
			9 7 5
	d		
			5 0 0
	Do do civil cases (Register JJ)		8 12 0
	Pay of Establishment—		
	H N Ahmad, Judicial Assistant Commissioner s Court	15 0 0	
	S B Treasury Officer	4 0 0	
	A B Record keeper	80 0 0	
		1 401 0 0	1,500 0 0
1st July, 1891	Travelling allowance paid to N B		45 0 0
	Contingent Charges—		
	Paid to G R on account of hire of Thelas		
	Expenses of witnesses in cognizable cases		
	Treasury Charges—		
	Petty charges as per contingent register		530 0 0
	Total		2,295 2 8
	Balance		271 8 1
	Grand Total		2,566 10 9

Details of balance—

	Rs a p	
Deposits—		
Civil	1 0 0 0	
Criminal	10 14 9	
Revenue	40 0 0	200 14 9
Cash		70 9 4
		271 8 1

be accounted for in the cash book under distinct heads on either side

Signature of Nazir

Signature of Assistant Commissioner

Laws Regulation]

NOTIFICATION

[a] *No 1172 37 P W D Abu the 24th September 1887*

Under the authority vested in him by sections 40 and 41 of the Ajmere Laws Regulation (III of 1877) the Chief Commissioner of Ajmere Merwara with the previous sanction of the Governor General in Council is pleased to frame the following rules for the imposition and levy of a shop tax at the Pokhur Fair for the maintenance of watch and ward and the establishment of a proper system of conservancy and sanitation at the said Fair

RULES

I The control of all arrangements in connection with Pokhur Fair shall be vested in a committee composed of—

President

Assistant Commissioner Ajmere

Members

A Native Magistrate
Two Headmen of Pokhur
Two Non Official Hindus of Ajmere
Two Non Official Muhammadans of Ajmere

NOTE —The above members to be annually nominated by the Commissioner

II The committee are empowered to levy a tax on shops according to the scale specified in the schedule hereunto annexed (Schedule I)

III The committee shall prepare a list of shops liable to be taxed under these rules on or before the third day of the Fair and determine the amount of the tax that should be paid by each shop keeper and enter the same in a register (Schedule II) certified extracts of which shall without delay be supplied to all persons who have been taxed showing—

Number
Name of shop keeper
Profession
Rate charged.
Grounds on which the maximum or minimum rate has been charged
Date of payment
Signature of the member of the Committee collecting the tax

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[a] Gazette of India for 1887 Part II page 56

The committee shall be at liberty to make such additions to the list as may be necessary from time to time during the Fair

IV The delivery of the extracts shall be followed by immediate payment of the tax but any person may within twenty four hours of the delivery of the extract referred to in Rule III, present his petition of objection on unstamped paper stating the grounds of his objection The petition shall be accompanied by the original extract and a refund shall be made if the petition is accepted

V The president shall appoint a sub committee of not less than three members for the purpose of hearing objections and their decision shall be final

VI The president may reduce or remit the rate charged on any shop keeper, if he thinks that it is excessive or that the shop keeper has not sufficient means to pay the same

VII The collections shall be made by the members of the committee after the assessments have been made and agreed to by any two members of the committee and by the Native Magistrate

VIII The amount recovered shall be noted on the extract in the shop-keeper's possession and shall also be entered in the assessment register

IX In case of non payment of the tax the same shall be recoverable by order of the president by attachment and sale of the articles exposed for sale or of other moveable property belonging to the defaulters

X Any person evading payment of the tax shall on conviction before a Magistrate be liable to pay five times the amount payable under the rules and in case of default in payment of the penalty to undergo simple imprisonment for a period not exceeding one month

XI The money collected under these rules shall be applied under the orders of the Fair committee for the maintenance of watch and ward and the establishment of a proper system of conservancy and sanitation at the Fair

XII The Officer in charge of the Fair shall submit with his report a statement showing the total amount collected under these rules and the objects on which it has been spent

XIII Matters not specifically provided for in the preceding rules regarding the apportionment and distribution of the tax may be dealt with under the orders of the committee who shall report their proceedings under this rule to the Chief Commissioner through the Commissioner

XIV The committee are further empowered to frame subsidiary rules as to matters of procedure and detail connected with the recovery and application of the tax

Schedule I

	Maximum			Minimum		
	Rs	A	P	Rs	A	P
Provision sellers	3	0	0	0	2	0
Confectioners	3	0	0	0	2	0
Pedlars	2	8	0	0	4	0
Money changers	3	0	0	0	8	0
Vegetable sellers	1	0	0	0	2	0
Cloth merchants	3	0	0	0	8	0
Hardware dealers	2	0	0	0	8	0
Others	1	8	0	0	1	0

Schedule II

1	2	3	4	5	6	7	8	9
Number	Name of shop keeper	Profession	Probable value of goods, &c , for sale	Rate charged	Grounds on which the maximum or minimum rate has been charged	Date of payment	Result of objection if any	Remarks
				Rs A P				

CIRCULAR No 21 OF 1881

To

ALL COURTS

Recently cases relating to sale of land and foreclosure of mortgages of immovable property in which no notice was given to pre emptors as required by section 10 of the Ajmere Laws Regulation No 3 of 1877, have come before me and I have reason to believe that the provisions of that section have generally been overlooked I would therefore invite your attention to this subject and would request that these provisions of the law be carefully observed in future

2. A copy of the section above quoted is annexed for facility of reference

I have &c

(Sd) LESLI S SAUNDERS

Commissioner

Dated the 25th July 1881

LOCAL AUTHORITIES LOANS ACT.

NOTIFICATION

[a] *No 15, dated Calcutta, 1st January 1889*

In exercise of the powers conferred by section 5 of the Local Authorities Loans Act, 1879, the Governor-General in Council has made the following Rules for the grant of loans to Local Authorities by the Government —

1 These rules shall come into force on the 1st day of February 1889 On and from that date the rules published with Notification No 2749, dated 17th August, 1883, in so far as they relate to the granting of loans shall be rescinded, except as regards loans applied for before these rules come into force [b]

2 In these Rules (1) "the Act' means The Local Authorities Loans Act, 1879, (2) Local Authority" and (3) "funds' have the meanings assigned to them respectively in the Act, (4) "the Local Authority means the Local Authority applying for, or, as the case may be, receiving or having received the loan, (5) "loan' means a loan under the Act [c]

3 A loan must be defined in rupees, and not by the sterling or any other foreign standard

4 No loan shall be granted except for the construction or repair of works of public utility within the local limits of the area, subject to the control of the Local Authority, or for the benefit of the inhabitants within these limits

5 [Cancelled by Notification No 417, dated 24th January 1890] [d]

6 An application for a loan shall state—

1st—The work, or works for the construction or repair of which the loan is required, and an estimate of the cost thereof

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[a] Gazette of India Part I, for 1889, page 13

[b] For Rules framed under the Local Authorities Loans Act in 1879, see Notification No 3745, dated 8th November 1879, Gazette of India, Part I, for 1879, page 721

These rules were rescinded, so far as they related to the authorization of loans by rules published with Notifications No 2748 and 2749, dated 17th August, 1883, *vide* Gazette of India Part I, for 1883, pages 346—349

[c] Clause 6 cancelled by Notification 417, dated 24th January, 1890, Gazette of India part I, for 1890, page 67

[d] *Vide* Gazette of India, Part I, for 1890 page 67

2nd—The amount which it is proposed to borrow

3rd—The fund or funds on the security of which it is proposed to borrow

4th—The law or laws under which the said fund or funds is or are levied received or held

5th—The period for which the loan is required the number and amount of the instalments if any in which it is proposed that the loan shall be taken the dates proposed for receiving such instalments and the instalments if any in which it is proposed to repay the loan

6th—A detailed account of the revenue and expenditure of the Local Authority for the three last preceding years

[NOTE.—Debt and deposit transactions such as receipts from and repayments of loans and deposits from contractors and others should not be included under revenue and expenditure but should be shown separately All important variations in the amounts of revenue and expenditure should be explained]

7th—All existing prior charges upon the funds of the Local Authority

7 The Local Government shall cause such enquiry as it thinks necessary or expedient to be made into the statements contained in the application and into the use and value of the proposed work

8 If it appears to the Local Government that the loan ought not to be granted it shall reject the application

9 If it appears to the Local Government probable that the loan ought to be granted it shall cause to be published in the local official Gazette and otherwise as it deems fit within the local limits of the area subject to the control of the Local Authority a copy of the application and such particulars in regard to any enquiry made under Rule 7 as it may think necessary

10 After the expiry of one month from such publication and after calling for any further information which it may require and considering any objections which may be preferred the Local Government may either reject the application or grant the loan if funds are available from the grant placed at its disposal for the purpose Provided that where the Local Authority is any one of the corporations mentioned or referred to in clause [a] of the proviso to section 8 of the Act the Local Government if it approves the application shall not itself proceed to sanction it but shall refer the application for the orders of the Governor General in Council

ment shall be prepared by the Accountant General and submitted to the Government of India through the Local Government which shall add a report of the progress of the works. Such Statement shall be published in the local official Gazette

18 An attachment of any funds under section 6 of the Act shall be made by a notice to the Local Authority prohibiting the collection or management of such funds by the Local Authority and vesting the administration thereof in such officer as the Local Government may appoint Such notice shall be published in the local official Gazette and otherwise as may be directed by the Local Government within the local limits of the area subject to the control of the Local Authority The moneys collected or received under such attachment shall be paid into the Government Treasury, and the accounts of moneys so collected and of the cost of the collection shall be prepared in such form as the Local Government may from time to time direct A copy of the accounts shall be delivered to the Local Authority, and published in the local official Gazette

[a] *No 16 dated Calcutta 1st January 1889*

In exercise of the powers conferred by sections 5 and 7 of the Local Authorities Loans Act 1879 the Governor General in Council has made the following Rules for the raising of loans by Local Authorities in the open market —

1 These rules shall come into force on the 1st day of February 1889 On and from that date the rules published with Notifications Nos 2748 and 2471, dated 17th August 1883 and 11th May 1888 respectively in so far as they relate to the authorisation of loans shall be rescinded except as regards loans applied for before these Rules came into force

2 In these Rules (1) the Act means The Local Authorities Loans Act 1879, (2) Local Authority and (3) funds have the meanings assigned to them respectively in the Act, (4) the Local Authority means the Local Authority applying for permission to raise or as the case may be, raising or having raised the loan, and (5) loan means a Loan under the Act

3 A loan must be defined in rupees and not by the sterling or any other foreign standard

[a] Gazette of India Part I for 1889, page 15

4 A loan shall not be raised except for the construction or repair works of public utility within the local limits of the area, subject to the trol of the Local Authority, or for the benefit of the inhabitants within the limits, and the term of a loan shall not extend over a longer period twenty years except under very special circumstances, and in no case over longer period than thirty years [b]

5 Whenever it is desired to obtain the authorisation of the Governm to the raising of a loan under section 7 of the Act a statement shall be mitted to the Local Government showing —

1st—The work or works for the construction or repair of which the is required and an estimate of the cost thereof

2nd—The amount which it is proposed to borrow

3rd—The fund or funds on the security of which it is proposed borrow

4th—The law or laws under which the said fund or funds is or are received or held

5th—The dates between which the money borrowed is to be received

[NOTE.—It is essential that the authority to borrow in the market should be limited reasonable time as loans of any considerable amount cannot be held in suspense indenn The dates therefore must be fixed with reference to this condition and must not be so w apart and so indefinite as practically to be no limitation]

6th—The term of years for which the money is to be borrowed, th instalments if any, in which it is to be repaid and the amount sinking fund, if any, provided for its repayment

7th—A detailed account of the revenue and expenditure of the Authority for the last three preceding years

[NOTE.—Debt and deposit transactions such as receipts from and repayments and deposits from contractors and others, should not be included under revenue and expenditure, but should be shown separately All important variations in revenue and expenditur should be explained]

8th—All existing prior charges upon the funds of the Local Authority

6 The Local Government shall cause such enquiry as it thinks necessary or expedient to be made into the statements contained in the applic and into the use and value of the proposed work

[b] Rule 4 was substituted for the original rule by Notification No 4105, dated 1889 *Vide* Gazette of India for 1889, Part I, page 436

7 If it appears to the Local Government that the loan ought not to be raised, it shall reject the application

8 If it appears to the Local Government probable that the loan ought to be raised, it shall cause to be published in the local official Gazette, and otherwise, as it deems fit, within the local limits of the area, subject to the control of the local authority, a copy of the application and such particulars in regard to any enquiry made under Rule 6 as it may think necessary

9 After the expiry of one month from such publication, and after calling for any further information which it may require and considering any objections which may be preferred the Local Government may either reject the application or sanction it Provided that, where the Local Authority is any one of the corporations mentioned or referred to in clause [a] of the proviso to section 8 of the Act, the Local Government if it approves the application, shall not itself proceed to sanction it, unless it is authorised so to do by some special enactment for the time being applicable to the corporation, but shall refer the application for the orders of the Governor General in Council

10 The Local Government shall make provision as may seem to be necessary for the proper inspection of all works which are being carried out by means of a loan, and for ascertaining and securing that the loan is duly applied to the purposes for which it is raised Every such work, and the accounts connected therewith shall be open at all times to the inspection of the Superintending or Executive Engineer in whose division the work is situate, and of any person who may be authorized to inspect the accounts of the Local Government in this behalf

11 The cost of any enquiry made under Rule 6 of advertisements published under Rule 8, of inspections made under Rule 10, and of any other proceedings by order of the Local Government or the Governor-General in Council under these Rules, shall be determined by the Local Government, and shall be paid by the Local Authority

12 The Local Authority shall give to the Accountant-General and the Local Government any information which they may require regarding the expenditure of the loan, and regarding its funds

13. An attachment of any funds under section 6 of the Act shall be made by a notice to the Local Authority prohibiting the collection or management of such funds by the Local Authority prohibiting the collection or management of such funds by the Local Authority, and vesting the administration thereof in such officer as the Local Government may appoint. Such notice shall be published in the local official Gazette, and otherwise, as may be directed by the Local Government within the local limits of the area, subject to the control of the Local Authority. The moneys collected or received under such attachment shall be paid to the lender, and the accounts of moneys so collected, and of the cost of collection shall be prepared in such form as the Local Government may from time to time direct. A copy of the accounts shall be delivered to the Local Authority, and published in the local official Gazette.

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